

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action
v.)	No. 13-10200-GAO
)	
DZHOKHAR A. TSARNAEV, also)	
known as Jahar Tsarni,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY FIFTY-FOUR

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, May 4, 2015
9:17 a.m.

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P R O C E E D I N G S

THE COURT: Good morning, jurors.

THE JURY: Good morning, your Honor.

THE COURT: Let me ask again. Have you all been able to follow my instructions and avoid any news reports about the case?

THE JURY: Yes.

THE COURT: Yes.

And any discussion among yourselves, you've avoided that?

THE JURY: Yes.

THE COURT: Anything anybody wants to talk to me about?

All right. We'll resume the evidence. Mr. Fick.

MR. FICK: Good morning, your Honor. The defense calls Raisat Suleimanova.

THE COURT: Let me just note for the record that, when we last broke, there was a witness on the stand. We will resume the examination of that witness eventually, but we're going to take some witnesses in a different order.

MR. FICK: Your Honor, I have some chalks and exhibits as to which I believe there's no objection. So if I can get the screen access, I would appreciate it. Thank you.

(Interpreter sworn.)

RAISAT SULEIMANOVA, Sworn

1 THE CLERK: Be seated. State your name. Spell your
2 first and last name slowly.

3 THE WITNESS: (Name spelled by the witness.)

4 THE COURT: It's on the list, Paul. You can use the
5 list.

6 MR. FICK: If I could ask you both to move the
7 microphone a little closer so we can all hear you better.

8 DIRECT EXAMINATION BY MR. FICK:

9 Q. Good morning, Miss Suleimanova.

00:38 10 A. Good morning.

11 Q. What year were you born?

12 A. 1980.

13 Q. Where were you born?

14 A. In Russia, the Republic of Dagestan, the village of Chokh.

15 Q. I'm going to put up on the screen as a chalk a map which
16 has been identified as 3503. Is Dagestan in the area that I've
17 just highlighted on the map?

18 A. Yes, that's correct.

19 Q. I'm going to also put up another map, which is a little
00:39 20 bit closer in scale, of Dagestan, which has been marked as
21 3506. The area that I'm circling here in the mountains of
22 Dagestan, is that where Chokh is located?

23 A. Yes, correct.

24 Q. Besides Chokh, where else did you live in your childhood
25 and youth?

1 A. In the town of Kaspiysk.

2 Q. Is that this town here on the coast of the Caspian Sea
3 that I've circled?

4 A. Yes, correct.

5 Q. Is it next to Makhachkala, the capital of Dagestan?

6 A. Yes, all is correct.

7 Q. Where do you live now, Miss Suleimanova?

8 A. In the town of Podolsk, Moscow Region.

9 Q. So this is a city just outside Moscow, is that right?

00:40 10 A. That's correct.

11 Q. Are you employed?

12 A. Yes, I am. I'm a nurse in an ICU unit in a hospital.

13 Q. Do you have any children?

14 A. Yes, I have one child. It's a girl. She's three years
15 old.

16 Q. I'm going to put up now on the screen another chalk that's
17 a -- has been identified as 3507-118, a family tree of the
18 Suleimanov family. And on the witness stand in front of you on
19 paper is the same document in Russian if it helps you for
00:41 20 reference.

21 Can you just briefly tell me, what is your family
22 connection to Jahar?

23 A. Yes, of course. Zubeidat is a younger sister of my
24 mother.

25 Q. So Zubeidat is your aunt, is that right?

1 A. Yes.

2 Q. And Jahar is then your cousin?

3 A. Yes.

4 Q. So just to sort of make clear on the chart here, is this
5 you here that I've circled?

6 A. Yes, that's me.

7 Q. And your mother is one of Zubeidat's sisters, named
8 Shakhruzat, that I've circled?

9 A. Yes.

00:42 10 Q. Is there a shorter name that your mother is sometimes
11 called by?

12 A. Shari.

13 Q. It's -- you have a number of aunts and -- aunts who are
14 named Patimat, is that right? I'm circling them here.

15 A. Yes. I have Patimat who is an older sister of my mother.
16 There is another Patimat who is the wife of my Uncle Mukhammad
17 Haji. And there is also another Patimat related to another
18 brother of my mother's younger brother. And the wife of the
19 youngest brother's name is also Patimat.

00:43 20 Q. So is that a -- is Patimat a common name in Dagestan?

21 A. The most common name, female name, is Patimat; and the
22 male name is Magomed.

23 Q. Now, Miss Suleimanova, have you ever traveled outside the
24 territory of the former Soviet Union before?

25 A. No. This is the first time.

1 Q. Why have you traveled so far to be here today?

2 A. I came for the sake of my brother, whom I love very much.
3 He's part of my family. I had no right not to come here. I
4 categorically reject what he did. It's a great tragedy, of
5 course.

6 MR. WEINREB: Your Honor, this is getting beyond --

7 THE COURT: Yes. Let's be sure there's a
8 question-and-answer format, please.

9 Q. You referred to Jahar as your brother instead of your
00:45 10 cousin. Can you explain why that is? Is there something about
11 the Russian word for cousin and brother that we should take
12 into account here?

13 A. I usually call my cousins brothers. I don't have brothers
14 per se. They're very close to me so I call my cousins my
15 brothers.

16 Q. In the Russian language, is the word for cousin
17 essentially brother second removed?

18 A. Yes. Brother is related to me in the same family, and the
19 cousin is twice removed.

00:46 20 Q. I'm going to move into evidence and publish a photograph
21 that I'm going to ask you about, 3507-109.

22 (Defendant's Exhibit No. 3507-109 received into evidence.)

23 THE COURT: I take it from what Mr. Fick said earlier,
24 there is no objection to these photographs, is that correct?

25 MR. WEINREB: That's correct, your Honor.

1 Q. Miss Suleimanova, do you recognize the people who are in
2 this photograph?

3 A. Yes, of course. These are my sisters and my cousins, male
4 and female cousins.

5 Q. Where was this picture taken?

6 A. In the town of Kaspiysk, at the square named after Lenin.

7 Q. If you touch the screen with your fingers, you can draw
8 circles. Can you just go from right to left and circle the
9 faces and tell us who they are?

00:48 10 A. This is my older sister Nabisat. This is Dzhokhar. This
11 is also my older sister Naida. This is myself. This is my
12 cousin Tamerlan; my cousin Ailina; my cousin Bella; and my
13 younger sister Rabiya.

14 Q. Thank you. Did your family and the Tsarnaevs frequently
15 visit each other during your childhood and youth?

16 A. Yes, fairly often. Every summer they would come and stay
17 with us.

18 Q. Did you sometimes visit them in the various places they
19 were living?

00:49 20 A. I only stayed with them once, in 1991, with my family. We
21 went to visit them in Kirgizia.

22 Q. Did -- well, when was the last time you saw Jahar actually
23 in person?

24 A. When they were leaving for the United States.

25 Q. I'm sorry. When they left for the United States?

1 A. Yes.

2 Q. How would you describe the Jahar you knew back then?

3 A. I can only say good things about Dzhokhar, and that's not
4 because he's my cousin. He was a very liked child. He was a
5 very kind, very warm child. And I think that his kindness made
6 everybody around him kind. I don't think there is anybody in
7 our family who didn't like him or didn't love him. He was a
8 sunny child. If you looked at him, you would want to smile
9 even if you didn't feel good that time.

00:51 10 And regarding what I said about his kindness causing
11 others to be kind, so one time when Zubeidat and Anzor were
12 leaving for Kyrgyzstan, he stayed with Aunt Patimat and
13 Mukhammad Haji. Patimat is very strict. She is the kind of
14 person who have -- one second.

15 MR. WEINREB: Can we have another question?

16 THE COURT: Yeah. I think --

17 Q. I was actually going to ask you, is there a particular
18 memory or story about Jahar as a child that you would like to
19 share with us?

00:52 20 MR. WEINREB: Your Honor, I object.

21 THE COURT: I think it has to be a little more guided
22 than that.

23 Q. Well, when you talked about how Jahar had an affect on
24 other members of your family, can you give us an example of
25 what you mean -- what you meant?

1 A. Yes. That's what I was trying to say. Aunt Patimat was a
2 very strict person. She had her own ways, and even her nieces
3 and nephews couldn't -- one second.

4 So she was very strict with the children, and we couldn't
5 go out of bounds with her. But when Dzhokhar was staying with
6 her, with his kindness, he changed her. He could do whatever
7 he wanted, and she would allow him to do whatever he wanted.
8 She even said herself, This child has changed me. They would
9 watch together a cartoon called king and the lion -- the
00:54 10 cartoon, Lion King. And when Simba dies, Dzhokhar was crying.
11 He was very sorry that the lion died. And she would say, I
12 can't even understand how such a small child -- he was about
13 four or five -- could sympathize so much, could understand
14 tragedy. So my aunt changed after that very much. She started
15 really loving everybody, including the children.

16 Q. Thank you. Can you tell me a little bit about your Aunt
17 Zubeidat? Describe from your memories what kind of character
18 or personality she had.

19 A. First of all, she's a very strong person. She's a very
00:55 20 determined person. She has a bright personality. She always
21 wanted everything to be excellent, to be ideal in her life, to
22 be beautiful. And she was trying to achieve it always. She
23 loved fashion, with a big "F." She always loved bright
24 clothing. She liked to wear bright clothing. How should I put
25 that? She had a great taste. She had great taste in clothes

1 and in furnishings. Her house was always the most beautiful.
2 Her children were always the best dressed. She's a very
3 hospitable person. She always had lots of people in her house.

4 Q. That's fine. Thank you.

5 I'm going to show you a couple of pictures now and ask if
6 you can tell us who it is and if that matches your memory of
7 Zubeidat. The first one is 3501-16.

8 MR. FICK: I'd move it into evidence as I publish.

9 THE COURT: All right.

00:57 10 (Defendant's Exhibit No. 3501-16 received into evidence.)

11 Q. Who is this in the photograph, Miss Suleimanova?

12 A. My Aunt Zubeidat.

13 Q. Is this representative of the kind of way she used to
14 dress?

15 A. Yes. I always remember her like this, beautiful, wearing
16 bright clothes.

17 MR. FICK: Another photograph, moving into evidence
18 3501-120.

19 (Defendant's Exhibit No. 3501-120 received into evidence.)

00:58 20 Q. Is that also your Aunt Zubeidat?

21 A. Yes. This is also my Aunt Zubeidat.

22 MR. WEINREB: Your Honor, I'd just like to say none of
23 us have ever seen some of these pictures before, so our -- any
24 objection to them is conditioned on raising it for those that
25 we're seeing now for the first time.

1 THE COURT: Maybe we should go through the standard
2 procedure and have you look at it before it's admitted.

3 MR. WEINREB: I don't want to slow things down
4 unnecessarily. But if we see one that we do object to, then
5 maybe we will need to go through that process. We're willing
6 to assume --

7 MR. FICK: All of these were previously provided to
8 the government, your Honor, so I'm not sure where the confusion
9 lies. There may have been some miscommunication perhaps, but
00:59 10 these are all in a series that were provided.

11 MR. WEINREB: We would dispute that, your Honor.

12 THE COURT: Just so -- we'll proceed, I guess, as we
13 have been, admitting them. If there's an issue, we'll deal
14 with it.

15 MR. FICK: Thank you. 3501-120 is moved in?

16 THE COURT: Yes.

17 MR. FICK: Thank you.

18 Q. 3501-121, is this also your Aunt Zubeidat?

19 A. Yes. That's how she always was, beautiful, tastefully
00:59 20 dressed.

21 Q. What kind of personality did she have? Was she shy or
22 outgoing or somewhere between?

23 A. No. She wasn't shy at all. That's not something that was
24 characteristic of her. She had a very bright personality. She
25 was outgoing. She was very social. She was loud.

1 Q. Would you describe her as emotional or reserved or
2 something between?

3 A. Very, very emotional.

4 Q. What were her aspirations or goals in life?

5 A. As all normal people, she wanted all the best for her and
6 her family and her children. She was always learning. She was
7 always trying to get more and more knowledge. I even heard it
8 here she was studying to be a aesthetician. She was the kind
9 of person -- how shall I put that?

01:01 10 Q. Okay. Thank you. Tell me a little bit now about your
11 Uncle Anzor. What were your impressions of him growing up?

12 A. He was the total opposite of Aunt Zubeidat. She was
13 outgoing. She had this bright personality. Anzor was always
14 very quiet, very even-keeled. He was kind person. He was
15 always willing to help people.

16 Q. Did he provide well for his family, at least as you knew
17 them in Russia?

18 A. He always worked. He was always trying to provide as well
19 as he could for his family, sometimes working two or three
01:03 20 jobs. He didn't want his family to miss anything, to be
21 wanting for anything. He was a very hardworking person, always
22 trying to provide for his family.

23 Q. Did he live up to Zubeidat's expectations?

24 A. He did his best. He did all he could to fulfill
25 Zubeidat's and the children's expectations.

1 Q. Can you tell me a little bit about your observations of
2 the relationship between Anzor and Zubeidat? What kind of
3 relationship did they have?

4 A. Anzor was crazy in love with Zubeidat, crazy, crazy in
5 love. He was worshipping her. He wouldn't go anywhere without
6 her. I mean, part is, were to visit somebody, and he didn't
7 want Zubeidat to go anywhere without him, and he was very
8 jealous of her.

9 Q. Did you have a favorite memory or story about a role you
01:04 10 once played in that jealousy?

11 A. Yes. Unfortunately, I was instrumental in stirring this
12 jealousy up, although I'm very ashamed of it. I'll tell you
13 one such story. There was a time when Zubeidat was supposed to
14 attend her classmates' reunion. Anzor knew about this event,
15 but he was away in a different town that time, and so he told
16 Zubeidat not to go anywhere without him. She didn't wait for
17 him, and she went to this event. And she warned everybody, my
18 mother, myself, my sisters, not to tell Anzor about it.

19 So she went. And when Anzor came, the first question was:
01:06 20 Where is Zubeidat? My mother said that she went to visit a
21 friend, and my sisters said the same thing. But he came to me
22 and he told me, Raisat, tell me where Zubeidat is. And I told
23 him everything. I told him where she was and with whom.
24 That's how I was involved.

25 Q. Did the Tsarnaevs move around to a lot of different places

1 when you were a young person?

2 A. Unfortunately, they moved around a lot, and the children
3 had to switch schools a lot. So the children didn't even have
4 time to get adapted to the new school when it was time to move
5 again. So they always lived out of suitcases, so to speak. We
6 would even say, You're like gypsies. You always move around.
7 You never stay in one place for a long time.

8 Q. Can you remember or just list off some of the places where
9 you knew the Tsarnaevs to live before they came to America?

01:08 10 A. Yes, of course. The first place is Novosibirsk. That's
11 where they met.

12 Q. I'm sorry. Novosibirsk is not on this map. Can you just
13 point out roughly where it is in Russia?

14 A. This is in English though.

15 Q. I'm sorry. But you understand that this that I've circled
16 here is Russia, is that right? Is Novosibirsk somewhere in
17 Siberia?

18 A. Yes, in Siberia.

19 Q. I'm sorry. I interrupted you. Where else did the
01:09 20 Tsarnaevs live during your experience with them before they
21 moved to America?

22 A. Novosibirsk. Then they lived in Kyrgyzstan, the town of
23 Tokmok. Then they moved to Chechnya, Makhachkala, and then
24 they left. But when they lived in Tokmok, I know that it
25 wasn't all the time that they stayed there. They moved around

1 there as well.

2 Q. Is it fair to say they moved back and forth between
3 Dagestan and Central Asia multiple times?

4 A. Yes, yes, multiple times.

5 Q. When they were in Central Asia, even when they were living
6 in Central Asia, did they sometimes come to visit the family in
7 Dagestan?

8 A. They would come to visit us often, especially in summers,
9 with the children. Since we live on the Caspian Sea, all our
01:10 10 cousins would come and visit us, including Zubeidat and her
11 children, and not only in summer but many times in other
12 seasons as well.

13 Q. When they would visit just for temporary visits to
14 Dagestan, how long would they typically stay?

15 A. Minimum of three months and sometimes up to six, seven
16 months.

17 Q. How did all this moving around, in your experience, in
18 your observation -- how did that affect Anzor's ability to make
19 a living?

01:11 20 A. You know, he's the kind of person that can find ways to
21 support his family anywhere. He can find work anywhere. And
22 he was never afraid of not being able to find work. He was an
23 auto mechanic, and he did this all his life.

24 Q. How did all of the moving around affect, the children,
25 your cousins, Jahar and his siblings?

1 A. I don't think that moving around, changing school,
2 changing friends, not being able to get adapted to one place, I
3 don't think --

4 MR. WEINREB: Your Honor, I object and move to strike
5 this on the grounds that it's speculative and not based on her
6 personal knowledge.

7 THE COURT: I'll allow it to stand.

8 MR. FICK: Thank you. I'll move on.

9 Q. Where did the Tsarnaev family live immediately before they
01:13 10 left for America?

11 A. The town of Makhachkala.

12 Q. Did the children attend school?

13 A. The children attended School No. 1, close to their house.

14 MR. FICK: I'm going to move into evidence and publish
15 Exhibit 3507-25.

16 (Defendant's Exhibit No. 3507-25 received into evidence.)

17 Q. Miss Suleimanova, do you recognize what this photograph
18 depicts?

19 A. Yes, of course. This is my cousin Dzhokhar in the first
01:14 20 grade.

21 Q. Can you use your finger and circle him on the screen?

22 A. (Indicating.)

23 Q. Thank you. So I'm going to now publish one additional
24 photograph and ask you about it, 3507-111.

25 (Defendant's Exhibit No. 3507-111 received into evidence.)

1 Q. Do you recognize what this photograph depicts?

2 A. Yes. These are my cousins and my sisters and my male
3 cousin.

4 Q. Where was the picture taken?

5 A. This picture was taken in Makhachkala where Zubeidat and
6 her family lived.

7 Q. I'm going to circle the faces myself and ask you to
8 identify who each person is. The first one, the man on the
9 left?

01:15 10 A. This is my cousin Bashir.

11 Q. And this young woman?

12 A. This is my younger sister, Rabiya.

13 Q. And here, this person?

14 A. My cousins Bella and Ailina.

15 Q. These two faces are Bella and Ailina?

16 A. Yes, yes.

17 Q. And they're Jahar's sisters?

18 A. Yes.

19 Q. And this woman in the back?

01:16 20 A. This is older sister, Naida.

21 Q. I'm sorry. This one?

22 A. This is.

23 Q. And who is this?

24 A. And this is myself.

25 Q. What -- when was this photograph taken? What was the

1 occasion?

2 A. This is where we are celebrating the new year, year 2000.

3 Q. How is it that you know this is a new-year photograph?

4 A. First of all, you can see the Christmas tree on the right
5 or the new-year tree. And you have table set for the
6 celebration. That's a tradition. We always celebrate new year
7 with a Christmas tree.

8 Q. What role did religion play in the life of you and your
9 family as you were growing up?

01:17 10 A. Well, religion is first because I'm a Muslim. We
11 celebrate all our Muslim holidays. If you want me, I can name
12 them. And we observed all the traditions of Islam.

13 Q. Were Zubeidat and Anzor religiously observant before they
14 moved to America?

15 A. To be honest, I think they were kind of removed from it.
16 What I mean is they would celebrate the major holidays, Kurban
17 Bayram, Uraza Bayram, but they wouldn't pray five times a day.

18 Q. After the family, the Tsarnaev family, moved to America,
19 did a time come when Zubeidat became more religious?

01:19 20 A. Yes.

21 Q. Can you describe what your family in Dagestan observed
22 about that?

23 A. Since I live in Moscow, I don't visit Dagestan very often.
24 So what I know --

25 MR. WEINREB: Your Honor, I object. She's going to

1 testify about what other people know.

2 THE COURT: I think we need a basis of knowledge.

3 MR. FICK: Well, I --

4 Q. Well, did you personally observe at some point Zubeidat
5 dressed in more religious clothing?

6 A. Yes. In 2010, I went back home, and that was the first
7 time I saw her wearing a hijab for the first time.

8 Q. What was your reaction to that?

9 MR. WEINREB: Objection.

01:20 10 A. I was in shock.

11 THE COURT: Overruled. I'll allow it.

12 A. It was a shock for me. Knowing what kind of person
13 Zubeidat used to be, it was very strange to see that. She used
14 to be such a fashionable person. She loved to wear bright
15 clothing; and now to see her wearing a hijab, it was a shock
16 and not just for me but for my mother and everybody else.

17 MR. FICK: I'm going to move into evidence and publish
18 Exhibit 3507-58.

19 (Defendant's Exhibit No. 3507-58 received into evidence.)

01:21 20 Q. Who is the woman in this photograph?

21 A. This is my Aunt Zubeidat.

22 Q. Does that reflect how she began to dress at some time
23 after the family moved to America?

24 MR. WEINREB: Your Honor, I'm going to object on the
25 grounds of a lack of foundation. She said she saw her once in

1 2010. So how she began to dress back in America is not
2 something she knows about.

3 THE COURT: Why don't you rephrase the question,
4 refocus it.

5 Q. Is this consistent with the way you observed Zubeidat to
6 be dressed when you saw her in 2010?

7 A. Yes, that's how she was dressed.

8 Q. What, if any, concerns did you and your family have about
9 the change in Zubeidat?

01:22 10 MR. WEINREB: Objection. That's calling for
11 speculation.

12 THE COURT: Yes. Sustained to that.

13 Q. What, if any, concerns did you have about Zubeidat's
14 change in appearance?

15 MR. WEINREB: Objection.

16 THE COURT: Same ruling. Sustained.

17 Q. What effect have the crimes committed by Tamerlan and
18 Jahar had on you and your family?

19 MR. WEINREB: Objection.

01:23 20 THE COURT: Sustained.

21 MR. FICK: May we approach?

22 THE COURT: All right.

23 (SIDEBAR CONFERENCE AS FOLLOWS:

24 MR. FICK: It seems to me that a witness' potential
25 biases, things that may influence their testimony, things that

1 are on their mind, are always a subject of -- always a subject
2 that's admissible. Here I think it's important to establish,
3 especially given the kind of -- sort of, shall I say,
4 reputation that precedes the family here. For the jury to be
5 able to understand that these folks, while they love Jahar and
6 they came here to support him, they do not support or endorse
7 or in any way the crimes that were committed.

8 MR. BRUCK: If they are not able to say anything about
9 their feelings and their reaction to this, the jury will simply
01:24 10 discount everything they have to say. They will assume that
11 they only care about Jahar and had no feelings whatsoever about
12 this crime. They simply -- it's just essential to position
13 them on the spectrum of human feeling and give them some -- the
14 jury some basis for evaluating what sort of people they are.
15 It's so fundamental.

16 MR. WEINREB: Your Honor, the only thing relevant here
17 is the evidence that bears on Jahar Tsarnaev's moral
18 culpability for the crime. Questions that essentially have
19 nothing to do with that but that are necessarily going to
01:24 20 elicit from the witnesses testimony about how they feel about
21 what is happening to him is bound to have a disproportionate
22 impact on the jury without contributing any probative --
23 anything probative in the case. Simply something that is going
24 to elicit very prejudicial testimony, potentially going to
25 mislead the jury and confuse the issues, which are not what

1 effect his actions have had on them, let alone what effect his
2 potential death sentence will have on them, but simply whether
3 he is a -- has the kind of character, which is all they can
4 talk about, that would make him somebody not deserving of the
5 death penalty. This is just getting too far afield of that.
6 Its probative value is low, and its prejudicial value is high.

7 MR. FICK: I certainly don't intend to go into the
8 question about what impact the death penalty would have on his
9 family. Again, witness credibility and witness bias and
01:25 10 witness predisposition is always an issue. I'm simply trying
11 to sort of level the field here so that these people are taken
12 seriously.

13 The questions of what effect did Mr. Tsarnaev's
14 character in the course of his life and the life of his parents
15 are sort of broad ones. We need to sort of lay small bricks
16 one piece at a time. The sort of way the witnesses are heard
17 and interpreted, I think, it's just important for that human
18 piece to be able to be in the picture.

19 THE COURT: All right. Well, you will have leeway
01:26 20 about these witnesses. There's a lot of evidence that would
21 not have been admissible under the Rules of Evidence that
22 you've had. I think this goes too far and asks for personal
23 opinions about things.

24 . . . END OF SIDEBAR CONFERENCE.)

25 Q. So -- well, Miss Suleimanova, is there anything else you'd

1 like to tell the jury about Jahar or your family?

2 MR. WEINREB: Objection.

3 THE COURT: Sustained.

4 MR. FICK: I have nothing further then. Thank you.

5 CROSS-EXAMINATION BY MR. WEINREB:

6 Q. Good morning.

7 A. Good morning.

8 Q. My name is Bill Weinreb. I'm an attorney for the United
9 States. I'd like to ask you a few questions.

01:27 10 A. Yes.

11 Q. You talked about the defendant's family moving around
12 before they came to the United States.

13 A. Yes.

14 Q. Most of those moves took place before he was born,
15 correct?

16 A. Some before and some after.

17 Q. He spent -- he moved here when he was about eight years
18 old?

19 A. Yes.

01:28 20 Q. And for almost five years before that, he had lived in one
21 place?

22 A. As far as I know, they lived in Kyrgyzstan, and they moved
23 to Grozny and then they moved to Makhachkala.

24 Q. The defendant was never in Grozny, was he?

25 A. They didn't stay there for a long time. They moved there.

1 They bought a house, but then the war began and they moved
2 away.

3 Q. Yes. But, in fact, the defendant himself has never set
4 foot in Chechnya, has he?

5 A. I cannot give you the exact dates. I was a child myself.
6 But I know for a fact that they moved to Chechnya and then the
7 war began and they moved away from Chechnya.

8 Q. Because you were a child, you weren't keeping track of the
9 exact dates of where they were when the defendant was alive?

01:30 10 A. I was 14 years old when the war broke out in Chechnya.

11 Q. So it's possible the defendant spent about four or five
12 years in one place in Kyrgyzstan before the family moved to the
13 United States?

14 MR. FICK: Objection. I think the foundation is
15 lacking based on the answers.

16 THE COURT: Go ahead. You can have it.

17 THE INTERPRETER: Can the question be read out,
18 please?

19 MR. WEINREB: Yes.

01:30 20 Q. So it's possible that the defendant spent about four or
21 five years in Kyrgyzstan before moving to the United States?

22 MR. FICK: Objection.

23 THE COURT: Overruled.

24 A. I cannot tell you for a fact.

25 Q. No matter where he lived, he managed to -- and the whole

1 family managed to -- summer on the Caspian Sea?

2 A. Yes. They would always come for vacation no matter where
3 they would live. They would come for -- to spend the summer.

4 Q. And spend time with family?

5 A. Yes, with us, of course.

6 Q. You haven't seen the defendant since he was eight years
7 old, correct?

8 A. Yes. I haven't seen him since he left.

9 Q. Okay. But growing up, he was very loved?

01:31 10 A. Yes, yes, madly, everybody.

11 Q. He grew up surrounded by loving family members?

12 A. Yes. He was such a sweet child. One couldn't help but
13 love him.

14 Q. Family members who doted on him?

15 A. Yes, of course. He was the little one.

16 Q. And they supported him?

17 A. Yes.

18 Q. If he had needs, they were met?

19 A. What does a child need? I don't think a small child needs
01:32 20 much.

21 Q. He needed food.

22 A. Of course.

23 Q. And he was always well-fed?

24 A. Yes.

25 Q. He always had clothing?

1 A. Yes. Zubeidat really took care of the clothes and of her
2 children. She made sure that her children are well-dressed.

3 Q. If he was sad, someone comforted him?

4 A. Yes. When a child cries, yes, especially since there are
5 sisters around.

6 Q. He was a very lucky boy in that way?

7 A. He has a lot of cousins.

8 Q. And all these cousins and family members who surrounded
9 him with love and with support, they helped him become a

01:33 10 confident young boy?

11 A. Yes, at least until he turned eight years old. But I've
12 already said that I haven't seen him since he was eight.

13 Q. Okay. But when you did see him, they had raised him to be
14 a confident young boy?

15 A. Yes, of course.

16 Q. So confident that he wasn't intimidated by his strict
17 aunt?

18 A. Strict aunt?

19 Q. You told a story about he had a strict aunt.

01:34 20 A. She was strict towards us, but for a child who is four or
21 five years old, it's hard to be very strict with a child like
22 that.

23 Q. Well -- but you said that Jahar was the one who managed to
24 make her less strict.

25 A. Yes. He lived with her, and she changed because of him.

1 Her biological children actually lived with their grandmother.

2 Q. So when he faced someone in the family, someone older who
3 was strict, he managed to change them?

4 A. You know, when he was a boy, he had such a smile that,
5 know matter how strict you were, you couldn't help but have
6 this huge smile on your face.

7 Q. And because of that, you said he could do whatever he
8 wanted?

9 A. Well, I don't mean it literally.

01:36 10 Q. But you mean that -- I'm sorry.

11 A. In the bounds of the reasonable.

12 Q. But he did have a mind of his own even at age eight?

13 A. I didn't understand the question.

14 Q. Let me ask a different question. You talked about Jahar's
15 kindness.

16 A. Yes.

17 Q. Okay. But you would agree that the bombing of innocent
18 people is not an act of kindness?

19 MR. FICK: Objection.

01:36 20 THE COURT: Sustained. Same objection we dealt with
21 at the side.

22 Q. Well, you said he felt sad watching the Lion King?

23 A. Yes.

24 Q. He cried when Mustafa died?

25 A. Yes, the character. What was his name? Yeah, when the --

1 when Simba's father died.

2 Q. But you would agree that a person who cries at the death
3 of a cartoon character but is indifferent to the death and
4 suffering of hundreds of people --

5 MR. FICK: Objection.

6 THE COURT: Sustained, Mr. Weinreb.

7 MR. FICK: We need to be seen at sidebar, your Honor.

8 THE COURT: No. I think it's clear. Sustained.

9 MR. WEINREB: I have no further questions.

01:37 10 MR. FICK: May we be seen?

11 THE COURT: All right.

12 (SIDEBAR CONFERENCE AS FOLLOWS:

13 MR. FICK: So not only, I believe, has the government
14 opened the door that the Court tried to close, but any
15 suggestion that his silence or demeanor in the courtroom, even
16 implied, suggests a lack of remorse is grounds for a mistrial.
17 There is ample case law to suggest that silence cannot be taken
18 to mean lack of remorse. For that reason, No. 1, I think he
19 opens the door to asking some of these witnesses to describe,
01:38 20 very briefly at least, what their reaction to these events
21 were, No. 1.

22 And, No. 2, I think that a mistrial is called for
23 because of the -- what the government's question implies.

24 MR. WEINREB: Your Honor, there was no reference to
25 his silence in the courtroom. The government has argued from

1 the very beginning that the way that he behaved in the moments
2 after the Marathon -- went to Whole Foods, when he went to buy
3 snacks shortly after killing Officer Collier -- were all
4 examples of his indifference and callousness, lack of remorse.
5 There's nothing about -- no aversion to anything about the --
6 in the courtroom today.

7 Secondly, these witnesses are essentially character
8 witnesses. That's what they're here for. They're not giving
9 their testimony in the form of an opinion, but they're
01:39 10 essentially up there to testify that he's kind; he's sweet.

11 THE COURT: That's what you just objected to.

12 MR. WEINREB: What I objected to was her -- the impact
13 on her. The question that I objected to was: What impact has
14 it had on you that he has done these things? My question is
15 simply the kind of question that's usually given to a character
16 witness. Is your opinion different given this, given that the
17 defendant has been arrested -- let me finish -- given that the
18 defendant has been convicted of a crime.

19 This defendant has been convicted of four murders.
01:39 20 I'm entitled to ask her whether her views of his kindness or
21 every other thing that she testified about are different in
22 light of that.

23 THE COURT: Not when her last exposure to him was when
24 he was eight years old. Just as her opinion Mr. Fick tried to
25 get, her comments, personal assessments, were excluded. I

1 think yours are as well. I don't know what other witnesses can
2 do but -- no.

3 MR. FICK: Okay. Very brief redirect then.

4 THE COURT: Wait. Motion for mistrial is denied.

5 MR. WEINREB: Your Honor, if the redirect is going to
6 just be --

7 MR. FICK: No. It's a very discrete question about
8 summering on the Caspian Sea.

9 . . . END OF SIDEBAR CONFERENCE.)

01:40 10 REDIRECT EXAMINATION BY MR. FICK:

11 Q. Very briefly, Miss Suleimanova. When the Tsarnaevs came
12 to visit from Central Asia to Kaspiysk where you were living,
13 where did they stay?

14 A. Mostly with us in Kaspiysk.

15 Q. How many rooms were in the apartment that you lived in?

16 A. We have a two-room apartment.

17 Q. That's two rooms total other than the kitchen, is that
18 right?

19 A. That's right.

01:41 20 Q. And so how many total people were packed into those two
21 rooms?

22 A. Our family that consists of six people; the Tsarnaevs,
23 whose family also consisted of six people; my other cousin that
24 we saw in the photograph and his mother; and sometimes we would
25 have other people as well.

1 Q. So is that more than a dozen people in those two rooms?

2 A. They didn't live there, but they would just stay when they
3 visited.

4 Q. Remind us again how long they would typically stay.

5 A. So if they would come for the summer, they wouldn't stay
6 with us all the time. They would leave all their things with
7 us, but they would also go and visit other people.

8 MR. FICK: Thank you.

9 THE COURT: All right, Miss Suleimanova. You may step
01:43 10 down. Thank you.

11 MR. FICK: The defense called Naida Suleimanova.

12 NAIDA SULEIMANOVA, Sworn

13 THE CLERK: Have a seat. State your name and spell
14 your first and last name for the record.

15 THE WITNESS: Naida Suleimanova.

16 MR. FICK: Maybe, with the Court's indulgence, I can
17 spell the first name for the reporter.

18 THE COURT: Go ahead.

19 MR. FICK: N-a-i-d-a. And Suleimanova, I think we
01:46 20 already have. Thank you.

21 If I could request the screen again, your Honor?

22 DIRECT EXAMINATION BY MR. FICK:

23 Q. Good morning, Miss Suleimanova.

24 A. Good morning.

25 Q. What year were you born?

1 A. 1976.

2 Q. Where were you born?

3 A. Republic of Dagestan, Gunibsky Region, the village of
4 Chokh.

5 Q. Where did you live during your childhood and youth?

6 A. I lived in Chokh till I was probably three and then in
7 Kaspiysk till I turned 25. And since then I've been living in
8 Moscow.

9 Q. Are you employed?

01:47 10 A. Yes.

11 Q. What kind of work do you do?

12 A. I'm a cashier at a gas station.

13 Q. Do you have any children?

14 A. Yes.

15 Q. How old?

16 A. Twenty.

17 MR. FICK: Your Honor, I think the screen for some
18 reason is -- I'm not getting --

19 THE COURT: I don't have your feed.

01:48 20 Q. Miss Suleimanova, what is your family connection to Jahar?

21 THE INTERPRETER: With Jahar? I'm sorry. Can you
22 repeat the question, please?

23 Q. What is your family connection to Jahar?

24 A. Jahar is my brother, my beloved brother.

25 Q. On the family tree here on the screen, is this you that

1 I've circled here?

2 A. Yes, correct.

3 Q. And your sister Raisat just testified a few minutes ago?

4 A. Yes.

5 Q. You seem to be a little bit emotional or teary up there.

6 Can you tell us why?

7 MR. MELLIN: Objection.

8 THE COURT: Go ahead. You may answer that.

9 A. Because I'm seeing my brother for the first time in so

01:49 10 many years and it's not easy.

11 Q. Why is it not easy?

12 MR. MELLIN: Objection.

13 THE COURT: Sustained to that.

14 Q. Had you finished your answer about why you're feeling
15 emotional?

16 THE COURT: Put another question.

17 Q. I'm going to show you a photograph that is already
18 admitted as 3507-109. Do you recognize this photograph?

19 A. Of course.

01:50 20 Q. Where was it taken?

21 A. In the town of Kaspiysk.

22 Q. Do you know what year approximately or when it was taken?

23 A. 2004.

24 Q. I'm sorry. Did you mean 2004 or 1994?

25 MR. MELLIN: Objection to the leading.

1 THE COURT: Overruled. Go ahead.

2 A. I'm so sorry. I'm so sorry. 1994.

3 Q. Is there something that was happening in your life at that
4 time that makes it -- that allows you to remember the date?

5 A. I was then pregnant.

6 Q. If you touch the screen with your finger, you can make
7 lines and circles. Can you circle where you are in the
8 picture?

9 A. (Indicating.)

01:51 10 Q. Who is it you're holding there?

11 A. Dzhokhar.

12 Q. So when was the last time you saw Jahar in person?

13 A. In 2002.

14 Q. What do you remember about that time, that occasion?

15 A. Before leaving for the United States, they visited me in
16 Moscow.

17 Q. Do you remember anything else about that meeting?

18 A. They came with my aunt, my uncle. And it was very painful
19 because they were leaving, that they were living so far away,
01:53 20 and nobody knew when we would see each other again. When they
21 lived in Kyrgyzstan, in Chechnya, they would visit us often,
22 and we saw each other often.

23 Q. So in the years before they left for America, what kinds
24 of occasions would you see -- on what sorts of occasions would
25 you see the Tsarnaev family?

1 A. Prior to my departure for Moscow, I worked at the
2 hairdresser salon across from where they lived in Lenin Square.
3 So they lived across from my workplace, and I would go and have
4 dinner with them every day. Then I left in 2000, and I haven't
5 seen them since.

6 Q. Other than the time when they were leaving in 2002 for
7 America?

8 A. No, I didn't. The last time I saw them was in 2000.

9 Q. Did you sometimes baby-sit for the Tsarnaev children?

01:55 10 A. Yes, of course.

11 Q. I'm going to show you a couple of pictures and ask you
12 about them.

13 MR. FICK: I'm going to publish and move into evidence
14 3507-112.

15 (Defendant's Exhibit No. 3507-112 received into evidence.)

16 Q. Do you recognize this photograph?

17 A. Yes.

18 Q. Where is this photograph taken?

19 A. This is at Uncle Mukhammad Haji's, in his home in
01:56 20 Makhachkala.

21 Q. Is Mukhammad Haji your eldest uncle?

22 A. Yes.

23 Q. Just to go around, who is that that I've circled, the man
24 with the mustache?

25 A. This is Uncle Mukhammad Haji.

1 Q. And who is that, the young boy sitting in front of
2 Mukhammad Haji?

3 A. This is cute Dzhokhar, the little one.

4 Q. And who is this that I'm circling here, the woman in the
5 orange in the back?

6 A. This is I.

7 Q. And who is the older woman, one in from the left, that
8 I've just circled?

9 A. This is Aunt Patimat, the wife of Uncle Mukhammad Haji.

01:57 10 Q. And, finally, the young girl sort of between the -- next
11 to the boy in the yellow that I've circled?

12 A. This is Ailina.

13 Q. Jahar's sister?

14 A. Yes.

15 Q. How would you describe the Jahar you knew as a child?

16 A. He was very cute, very nice, very kind, caring. There was
17 always a smile on his face. There was never an occasion when
18 he didn't have a smile on his face.

19 Q. I'm going to show you another picture and publish as
01:58 20 3507-21.

21 (Defendant's Exhibit No. 3507-21 received into evidence.)

22 Q. Do you recognize this photograph?

23 A. Yes.

24 Q. Do you know where this was taken?

25 A. This one in Makhachkala, in the home of Uncle Shakhrudin.

1 Q. Do you know approximately how old Jahar was when this
2 picture was taken?

3 A. Honestly, I can't say.

4 Q. I'm going to introduce and publish another photograph,
5 3501-10.

6 (Defendant's Exhibit No. 3501-10 received into evidence.)

7 Q. Do you recognize this photograph?

8 A. Yes.

9 Q. Who is in this photograph?

01:59 10 A. Tamerlan and Dzhokhar.

11 Q. So who is this that I've circled at the top?

12 A. Dzhokhar.

13 Q. And so he is on the shoulder of who that I've just
14 circled?

15 A. Tamerlan.

16 Q. What do you remember about your observations of the
17 relationship between Jahar and Tamerlan as children?

18 A. Dzhokhar loved his older brother very much.

19 Q. How -- I'm sorry.

02:00 20 A. And as is the custom in our families, you would always
21 listen to your older sibling. You always tried to listen to
22 your older sibling, your older brother, and follow his example.

23 Q. Can I ask both of you to speak a little bit more loudly,
24 please?

25 Did -- tell me about your memories of your Aunt Zubeidat

1 before she left for America.

2 A. She was fun-loving. She was love-loving -- life-loving.
3 She loved to dress well. She wanted to look good. She was a
4 beautiful woman, a fashionable woman.

5 Q. After the Tsarnaev family left for America, did Zubeidat
6 at some point begin to return to Russia to visit family?

7 A. Yes.

8 Q. Did there come a time when you noticed a very noticeable
9 change in her?

02:02 10 MR. MELLIN: Your Honor, objection, unless it's based
11 on personal knowledge.

12 THE COURT: Well, yes. I took that to be the
13 question, personal observation.

14 MR. FICK: Yes.

15 A. At first when my aunt came, she was the same as she had
16 always been. I didn't often go to Makhachkala to see her when
17 she was visiting, but maybe the time -- the last -- the one --
18 but last time when she came, she was already covered.

19 Q. When you say "covered," what do you mean by that?

02:03 20 A. She was wearing a hijab. She was wearing a black scarf.
21 It was strange for us to see our aunt like that. When she
22 lived here, she dressed very well. She wore gold and diamonds.

23 MR. MELLIN: Objection, your Honor. This is total
24 hearsay for this witness.

25 THE COURT: No, overruled. Go ahead.

1 A. And this dramatic change, it was very strange to see her
2 covered all over.

3 Q. In Dagestan society, what is the significance of putting
4 on all black and a hijab?

5 MR. MELLIN: Objection.

6 THE COURT: Overruled.

7 A. From ancient times, as far as I know, they would cover
8 their bodies up to the ankles and cover their face. But to
9 wear all black, I don't think that was the custom.

02:05 10 Q. Was that the customary dress for women in your family?

11 A. The black one, you mean? No.

12 Q. Were you concerned when you saw Zubeidat this way?

13 MR. MELLIN: Your Honor, objection.

14 THE COURT: Rephrase it.

15 Q. What was your reaction when you saw Zubeidat dressed this
16 way?

17 MR. MELLIN: Objection.

18 THE COURT: I'll allow it.

19 A. My personal opinion --

02:06 20 MR. MELLIN: Objection to the "personal opinion."

21 A. I'm a little --

22 THE COURT: No. Go ahead. You can answer the
23 question.

24 A. My personal opinion, I'm a little scared of people who are
25 completely covered.

1 Q. Why is that?

2 A. Because many become extremist Islamists and start wearing
3 all black.

4 Q. A couple of days ago I played for you an audio recording
5 found on Tamerlan's computer. Do you remember listening to
6 that with me?

7 A. Yes.

8 Q. Did you recognize one of the voices on that recording?

9 A. Yes, I did.

02:07 10 Q. Whose voice did you recognize on the recording?

11 A. Tamerlan's.

12 Q. I'm going to play a little bit of the recording for you
13 now and put the transcript on the screen and ask you, after you
14 listen to it, to point out who is speaking.

15 MR. FICK: I ask you to bear with me a moment.

16 MR. MELLIN: Objection, your Honor.

17 THE COURT: Let me see you at the side.

18 (SIDEBAR CONFERENCE AS FOLLOWS:

19 MR. MELLIN: Your Honor, we object. It's irrelevant
02:08 20 and I'm not sure exactly --

21 THE COURT: What is it?

22 MR. MELLIN: I'm not sure right now what it is.

23 MR. FICK: If you notice, this is one of the
24 recordings from Tamerlan's computer, one of the ones I played
25 when Mr. Spencer was on the stand. She's going to identify one

1 of the voices on that tape as being Tamerlan's voice. In it he
2 expresses his then apparently state of mind about kinds of
3 actions he wants to take. And I think identifying him as the
4 speaker makes that evidence particularly relevant, and she's a
5 person who's in a position to make that identification.

6 THE COURT: What is it?

7 MR. MELLIN: Well, your Honor, we object to anything
8 other than her identifying the voice. She can just be asked --
9 in fact, she can be led through it. Did I play for you Exhibit
02:08 10 whatever it was? Do you recognize the voice? Yes, it's
11 Tamerlan's voice. What he's trying to do is get that entire
12 recording into evidence and have it played over again. That's
13 inappropriate through this witness. She just admitted that she
14 just viewed what it is.

15 MR. WEINREB: Let me explain what it is.

16 THE COURT: That's what I'd like to know.

17 MR. WEINREB: When -- there were some recordings found
18 on Tamerlan's computer which the defense claims are discussions
19 between him and others when he visited Russia. And the
02:09 20 discussions are about religious topics.

21 THE COURT: Those were admitted the other day.

22 MR. FICK: They're in evidence.

23 MR. WEINREB: The government had a motion to exclude
24 them in limine on the grounds that, without some kind of
25 explanation about them, they could easily be -- that the jury

1 will be led to speculate that this was some kind of terrorist
2 cell that was getting together. In fact, there was a
3 discussion of Tamerlan with religious scholars who are, in
4 fact, telling him jihad is not the way, anti-jihad.

5 THE COURT: If there's an exhibit that has been
6 admitted in evidence, she can say that she recognizes Tamerlan
7 as one of the speakers.

8 MR. FICK: Your Honor, I plan to play two very, very
9 brief, literally 20-second excerpts, to identify the particular
02:10 10 speaker at particular lines of the exhibits. That's all I want
11 to do.

12 MR. MELLIN: Your Honor, we would object to anything
13 more than that. If he starts to ask what does that mean, what
14 did you think about that, that's an entirely objectionable
15 area. That's inappropriate.

16 THE COURT: I agree. Commentary on the content of the
17 exhibit, I think, would be inappropriate through this witness.

18 MR. FICK: I'm not speaking any kind of expert
19 commentary explanation, but I think it is fair game to ask,
02:10 20 again, very simply, What was your reaction to hearing that?

21 THE COURT: No, not for that particular --

22 MS. CLARKE: Judge, could we just have a basis for the
23 Court's ruling on that?

24 THE COURT: It's just a subjective -- it's not
25 probative. I mean, what she thinks of something is not

1 particularly probative.

2 MS. CLARKE: But she would have known Tamerlan before.

3 THE COURT: Yes. Well, there may be ways of getting
4 it more specifically than just asking the question, What do you
5 think about it? Maybe it could be contrasted to something
6 specific.

7 MR. WEINREB: Your Honor, we still have the 403
8 objection to it because the jury is not -- it's like putting a
9 picture of somebody standing in a crime scene and saying, Does
02:11 10 it alarm you to see this person standing at the crime scene
11 when maybe they were there shopping. Maybe they were walking
12 through. Maybe they were -- she has no personal knowledge, so
13 there's no way to cross-examine her about it. The fact is
14 having this conversation could be sinister or it could be the
15 opposite of sinister. She has no way of knowing and yet --

16 THE COURT: She can say whether the statements he was
17 making were consistent or inconsistent with what she remembered
18 him having said, something like that, I think would be
19 admissible.

02:11 20 MR. MELLIN: Based on her interactions with him.

21 THE COURT: She would have to have a basis for making
22 the comparison, but she could make a comparison.

23 MS. CLARKE: Thank you.

24 MR. WEINREB: There's no way to go through this line
25 and we're not going to get into the substance of what's being

1 said. And the substance of what's being said should not be
2 admitted through this witness who can only speculate about the
3 meaning of it and confuse the jury and mislead them about what
4 is going on here.

5 THE COURT: Well, anyway. Go ahead. You may do it.

6 . . . END OF SIDEBAR CONFERENCE.)

7 Q. I'm going to play a very short portion of the tape and
8 then ask you some questions when I'm done.

9 (Audio recording played.)

02:13 10 Q. Miss Suleimanova, do you see on the screen on the
11 left-hand side the Russian text there?

12 A. Yes.

13 Q. And the portions of the text highlighted in yellow, who
14 was the person saying those words?

15 A. This is Tamerlan speaking.

16 Q. And one more brief portion I want to ask you about.

17 (Audio recording played.)

18 Q. Again, Miss Suleimanova, the text on the screen that was
19 highlighted in yellow, who was the speaker of those lines?

02:15 20 A. Tamerlan.

21 Q. We listened to the entirety of this particular
22 recording --

23 MR. MELLIN: Objection to the preamble, your Honor.

24 THE COURT: Okay. Just the question, I think.

25 Q. We listened to the entire recording, this entire recording

1 together last week, is that right?

2 A. Yes.

3 Q. Are the religious ideas discussed in that recording
4 consistent with the Islamist conditions that your family grew
5 up with?

6 A. I don't understand this. Our parents didn't teach us
7 these things. They taught us to pray and to read the prayers.
8 And I'm very far away from all of this.

9 Q. When was the last time you saw Tamerlan in person?

02:16 10 A. In 2012.

11 Q. Can you describe the circumstances of your meeting with
12 Tamerlan in 2012?

13 A. He was visiting Uncle Mukhammad Haji. I and my older and
14 younger sister, Nabisat and Rabiyyat, we came to visit Uncle
15 Mukhammad Haji, and that's where we met.

16 Q. Can you describe the meeting?

17 A. I was very happy to see my brother. It had been so many
18 years. But I had two conflicting feelings.

19 MR. MELLIN: Your Honor, objection to the feelings.

02:18 20 THE COURT: Overruled.

21 A. Fear, but to see my brother and hug him. When we were
22 told that he was adhering to some kind of radical Islam, I was
23 afraid.

24 MR. MELLIN: Objection.

25 THE COURT: Overruled.

1 A. I'm sorry that at this time I didn't have my heart
2 completely open to my brother. I didn't demonstrate all my
3 feelings and that I had been missing him so much all those
4 years.

5 MR. MELLIN: Your Honor, objection to the narrative.

6 THE COURT: I think the question has been answered.

7 Q. Okay. So you described your feelings leading up to the
8 meeting. Describe what happened at the meeting itself.

9 A. Both prior to the meeting and during the meeting, but when
02:20 10 I learned that he died, I was so --

11 MR. MELLIN: Objection.

12 THE COURT: Sustained.

13 MR. FICK: If I could again ask the microphone to move
14 a little closer to both of you so that we can all hear better.
15 Thank you. You can actually move the microphone.

16 THE INTERPRETER: Close to the witness?

17 MR. FICK: Both of you I think would be nice. Thank
18 you.

19 Q. Were you concerned in 2012 with Tamerlan having
02:20 20 interactions with your son?

21 MR. MELLIN: Objection. Relevance, your Honor.

22 THE COURT: Sustained.

23 Q. Did you do or say anything to prevent your son from
24 interacting with Tamerlan?

25 MR. MELLIN: Objection.

1 THE COURT: You may answer that.

2 A. It wasn't about the contact, but my son -- my son just
3 called me and said that Tamerlan --

4 MR. MELLIN: Objection.

5 THE COURT: Yeah, sustained.

6 Q. Did you do or say anything based on what your son told
7 you, without telling us what your son said?

8 MR. MELLIN: Your Honor, objection to the answer. It
9 was a yes-or-no question. I would object to the content of
02:21 10 that.

11 THE COURT: No. Go ahead. You may translate it.

12 A. I didn't take any action. All I did, I said to my son --

13 MR. MELLIN: Objection.

14 A. Are you --

15 THE COURT: Overruled.

16 A. Are you praying? That's enough for me.

17 MR. FICK: Thank you, Miss Suleimanova. I have
18 nothing further.

19 As a housekeeping matter, I would sub-mark the two --
02:22 20 the tape I played and the transcript I showed as 3306-J, the
21 recording, and 3306-K, the transcript, for housekeeping.

22 THE COURT: All right.

23 (Defendant's Exhibit No. 3306-J received into evidence.)

24 (Defendant's Exhibit No. 3306-K received into evidence.)

25 MR. MELLIN: No questions. Thank you, your Honor.

1 THE COURT: All right. Miss Suleimanova, you may step
2 down. Thank you.

3 MR. FICK: Is this a good time for the break, your
4 Honor?

5 THE COURT: It will be a good time. We'll take it.

6 THE CLERK: All rise for the Court and jury. The
7 court will take the morning recess.

8 (Recess taken at 11:05 a.m.)

9 THE CLERK: All rise for the Court and the jury.

02:46 10 (The Court and jury enter the courtroom at 11:33 a.m.)

11 THE CLERK: Be seated.

12 MR. FICK: Thank you, your Honor. The defense calls
13 Patimat Suleimanova.

14 And if I could get the screen back, your Honor, I'd
15 appreciate it.

16 PATIMAT SULEIMANOVA, duly sworn through interpreter

17 THE CLERK: State your name, and spell your first and
18 last name for the record.

19 THE WITNESS: Suleimanova, Patimat.

02:52 20 MR. FICK: And with the Court's indulgence, I'll just
21 spell the name: P-A-T-I-M-A-T.

22 And if I could also just ask the interpreter to move
23 the microphone a little bit closer so everyone can hear. And
24 if there's any problems hearing me, by all means, please let me
25 know. Thank you.

1 THE INTERPRETER: Can you hear me now?

2 MR. FICK: Yes.

3 DIRECT EXAMINATION

4 BY MR. FICK:

5 Q. Good morning, Ms. Suleimanova.

6 A. Good morning.

7 Q. What year were you born?

8 A. My -- the year of my birth is 1950.

9 Q. And where were you born?

02:53 10 A. October 10. Chokh.

11 Q. And is that a village in the mountains of Dagestan?

12 A. Yes, Dagestan.

13 MR. FICK: I'm going to publish and move into evidence
14 what has been marked as 3507-83.

15 (Defense Exhibit No. 3507-83 received into evidence.)

16 BY MR. FICK:

17 Q. Ms. Suleimanova, is that a picture of Chokh?

18 A. Yes, this is my hometown, Chokh.

19 Q. And where do you live now, Ms. Suleimanova?

02:53 20 THE INTERPRETER: Sorry. The interpreter couldn't
21 hear the question.

22 MR. FICK: I'm sorry.

23 THE COURT: Take a moment.

24 MR. FICK: Why don't we just ask you to take a moment,
25 yes.

1 (Pause.)

2 MR. FICK: May I pour you a glass of water, ma'am?

3 Thank you.

4 (Pause.)

5 THE COURT: Mr. Fick, perhaps we should take a break
6 and do a different witness and let her recover a little bit of
7 her composure.

8 MR. FICK: That's fine, your Honor.

9 Ms. Suleimanov, we'll let you take a little break and
02:55 10 bring you back, okay?

11 (The witness is excused.)

12 MR. FICK: The defense would call Shakhruzat
13 Suleimanova.

14 SHAKRUZAT SULEIMANOVA, sworn through interpreter

15 THE CLERK: Have a seat. State your name, and spell
16 your first and last name for the record.

17 THE WITNESS: Suleimanova, Shakhruzat.

18 MR. FICK: Your Honor, with the Court's indulgence,
19 I'll spell the first name and, in fact, put it up on the
02:57 20 monitor for everyone's convenience: S-H-A-K-H-R-U-Z-A-T.

21 DIRECT EXAMINATION

22 BY MR. FICK:

23 Q. Good morning, Ms. Suleimanova.

24 A. Thank you.

25 Q. Are you sometimes also called by the name Shari?

1 A. Shari, yes.

2 Q. And what year were you born?

3 A. '55.

4 Q. And where were you born?

5 A. The village of Chokh. Gubinskyi region.

6 Q. And is that in the mountains of Dagestan?

7 A. Yes.

8 Q. And the picture on the screen, 3507-83, is that a picture
9 of the town of Chokh?

02:58 10 A. Yes, Chokh.

11 Q. For some of your adult life, did you also live in the town
12 of Kaspiysk?

13 A. Yes.

14 Q. And just putting up on the screen -- Kaspiysk is this area
15 near Makhachkala and the Caspian Sea. Is that right?

16 A. Yes.

17 Q. And where do you live now?

18 A. Now I live at the village of Shamkhal.

19 Q. And is that essentially a suburb of Makhachkala, the
02:59 20 capital?

21 A. Yes.

22 MR. FICK: I'm going to move into evidence and publish
23 what's been marked as 3505-107.

24 (Defense Exhibit No. 3505-107 received into evidence.)

25 BY MR. FICK:

1 Q. Is this a picture essentially of the garden behind your
2 house in Shamkhal?

3 A. Yes.

4 Q. Do you work?

5 A. Yes.

6 Q. What kind of work do you do?

7 A. I work in the hospital. I'm a nurse's assistant.

8 Q. And are you married?

9 A. Yes.

03:00 10 Q. And do you have any children?

11 A. Yes.

12 Q. How many and how -- how many?

13 A. Four girls.

14 Q. And on the family tree that's on the screen, I'm circling
15 in English, but the Russian is on paper in front of you, if you
16 need it. Is this you and your husband and your children that
17 I've circled?

18 A. Yes.

19 Q. And so the two young women we've heard from already this
03:00 20 morning, Raisat and Naida, they're two of your daughters?

21 A. Yes.

22 Q. What is your daughter Rabiyyat doing while you all are
23 here?

24 MS. PELLEGRINI: Objection.

25 THE COURT: Overruled.

1 THE WITNESS: She's taking care of the children.
2 Raisat has a daughter, and Naida has a daughter, so she's
3 taking care of all the children.

4 BY MR. FICK:

5 Q. What is your family connection to Jahar? Are you his
6 aunt?

7 A. Yes.

8 Q. I'm going to show you a photograph and ask you a few
9 questions about it.

03:01 10 MR. FICK: 3507-91.

11 Q. Do you recognize this photograph?

12 MR. FICK: I'm sorry. I move it into evidence as
13 well.

14 THE COURT: All right.

15 (Defense Exhibit No. 3507-91 received into evidence.)

16 THE WITNESS: Yes, I do.

17 BY MR. FICK:

18 Q. Who is the person on the left here who I've circled?

19 A. This is my mother. Her name is Aishat.

03:02 20 Q. And who is the person in the middle that I've circled?

21 A. This is myself, Shari.

22 Q. And who's this on the right?

23 A. This is my oldest sister, Patimat.

24 Q. And who is this down here on the bottom, the young child?

25 A. This is the youngest sister, Zubeidat.

1 Q. And where was this picture taken?

2 A. This is at our house. This is at our home in Chokh.

3 Q. And what kind of a town was Chokh when you were a child?
4 About how big was it?

5 A. It's a big town. Very big town, Chokh.

6 Q. When you say "big," do you mean it's just over a thousand
7 people or do you mean bigger?

8 A. A thousand people, maybe 1200.

9 MR. FICK: And I'm going to publish and move into
03:03 10 evidence another photo, 3507-92.

11 (Defense Exhibit No. 3507-92 received into evidence.)

12 BY MR. FICK:

13 Q. Do you recognize this photo? Who is that?

14 A. This is my father.

15 Q. And what kind of work did your father do in Chokh?

16 A. He was a shepherd at the collective farm. He worked at
17 the collective farm as a shepherd.

18 Q. And what about your mother? Did she work?

19 A. No, she did not.

03:04 20 Q. Why was that?

21 A. She was sick. She had cancer. She had breast cancer.

22 Q. And did she suffer from that for a number of years?

23 A. Yes.

24 Q. How did that affect you and the other children?

25 MS. PELLEGRINI: Objection.

1 THE COURT: Overruled.

2 THE WITNESS: It was very hard for us. Our mother was
3 always in the hospital, and we had to take care of the younger
4 brothers and sisters, and she was always in the hospital. She
5 had three surgeries.

6 BY MR. FICK:

7 Q. So what was your role in helping to take care of the
8 younger children, including Zubeidat?

9 THE INTERPRETER: May the interpreter ask that the
03:05 10 witness break it up a little bit, the testimony?

11 THE COURT: Yes, it's probably best if you ask her to
12 do that as you go along. Don't try to translate too much a
13 chunk at once.

14 MR. FICK: Let me just start with a fresh question
15 maybe, perhaps, your Honor, and we can just start again.

16 BY MR. FICK:

17 Q. What was your role in helping to take care of the other
18 children when your mother was ill?

19 A. I did the raising. When my mother was discharged from the
03:06 20 hospital, she couldn't do much.

21 Q. And so what did you do to help the youngest children,
22 especially Zubeidat?

23 A. I was right next to her. I cooked the meals. I did
24 laundry. I supported them. They would ask me when would
25 Mother be back. I would console the younger children. I would

1 say the mother is coming soon. She will be in a week or she
2 will be back in two weeks. A week would pass, and the mother
3 wouldn't be home, so they would ask again why isn't the mother
4 home.

5 Q. Did your older sister Patimat also help out?

6 A. Yes. She would come twice a week from where she lived.

7 Q. How long did it take her to get there?

8 A. It's 15 kilometers.

9 Q. And how long did it take to cross that distance in the
03:07 10 mountains?

11 A. Two hours.

12 Q. So she was already married and living away from home at
13 that point. Is that right?

14 A. Yes, she was already married.

15 Q. And at some point while your mother was ill, did you get
16 married?

17 A. Yes. I was married when I was 18.

18 Q. How did Zubeidat react to your marriage?

19 A. It was very difficult for her. I had always been next to
03:08 20 her. And our oldest sister wasn't living at home anymore, so
21 it was very hard for Zubeidat.

22 Q. Is there a particular story you remember from your
23 wedding?

24 A. Yes. She approached me under the table. She was patting
25 my legs under the table. And she was crying. She was saying,

1 "Shari, let's go home. What, are you going to stay with those
2 strangers?" It was very painful for me. I tried to console
3 her. I said, "Go home. I'll come and tuck you in at night."

4 Q. How old was Zubeidat approximately at that point?

5 A. She was seven.

6 Q. I'm going to show you a picture and move into evidence
7 what's been marked as 3507-7.

8 (Defense Exhibit No. 3507-7 received into evidence.)

9 BY MR. FICK:

03:09 10 Q. Who is that in the picture?

11 A. This is my sister Zubeidat.

12 Q. And is that Chokh in the background?

13 A. Yes.

14 Q. And is this from the time -- around the time when your
15 mother passed away?

16 A. Yes.

17 Q. How long after your mother's death did Zubeidat remain in
18 your father's home in Chokh?

19 A. Three years. And then she went to live with our older
03:10 20 brother.

21 Q. And I'm going to put the family tree back up here so that
22 we can all see what we're talking about. You say that after
23 about three years in Chokh she went to live with your oldest
24 brother, is that right, and his wife?

25 A. That's right. Older brother, Mukhammad Haji, took her to

1 live with him.

2 Q. And is that the person I've circled here on your family
3 tree, Mukhammad Haji, and Patimat, his wife?

4 A. Yes.

5 Q. Who made the decision to send Zubeidat to live with
6 Mukhammad Haji?

7 A. Our father. He's the older brother. That's why he took
8 her.

9 Q. And why was that the decision to be made by your father
03:11 10 and the oldest brother?

11 A. The mother was no longer alive. I was married, and the
12 older brother took the girl to live with him.

13 Q. And did he live in Makhachkala?

14 A. Yes, he lived in Makhachkala.

15 Q. How long did Zubeidat stay with Mukhammad Haji in
16 Makhachkala?

17 A. Until she was in the ninth grade. She graduated from the
18 ninth grade there.

19 Q. And where did she go after that?

03:12 20 A. Then our other brother Aliskhab took her. He was in
21 charge of the highway patrol there, and so he took her to live
22 with him.

23 Q. And is that the person I circled on the family tree,
24 Aliskhab?

25 A. Yes, correct.

1 Q. And did he live in a little town on the border with
2 Chechnya?

3 A. Yes.

4 Q. And how long did Zubeidat stay with that brother?

5 A. So she was there for the tenth grade, and once she
6 graduated from school, the other brother took her to live with
7 him in Novosibirsk.

8 Q. Who made the decision to move Zubeidat from Mukhammad Haji
9 to Aliskhab?

03:13 10 A. The older brother decided that because they didn't have
11 school beyond ninth grade.

12 Q. And after Aliskhab, where did she go to live? I think you
13 started to tell us.

14 A. So she finished tenth grade there, and another brother who
15 is now deceased took her to Novosibirsk so she could apply and
16 study at the University.

17 Q. And is Novosibirsk a city in Russian Siberia?

18 A. Yes, in Siberia.

19 Q. It's many thousands of kilometers from Dagestan?

03:14 20 A. Very far.

21 Q. And which brother was that?

22 A. Murtuz.

23 Q. And so is that the brother that I'm circling here on the
24 tree?

25 A. Yes.

1 Q. And who made the decision that Zubeidat should move to
2 Novosibirsk with Murtuz?

3 A. Our older brother and our father.

4 Q. When did you first learn about Zubeidat meeting Anzor?

5 A. The brother who lived there, he called our father.

6 Q. And what did your family learn?

7 A. He was asking if the father was giving his permission for
8 Anzor to marry Zubeidat.

9 Q. And why was -- why were they asking your father's
03:15 10 permission? Could Zubeidat have married without your father's
11 permission?

12 A. No. In our tradition a woman cannot marry without the
13 permission of her father or, if the father is deceased, without
14 the permission of the older brother.

15 Q. And when you say "older brother," do you mean oldest
16 brother or simply any older brother?

17 A. The oldest.

18 Q. How did the family react to the fact that Anzor was a
19 Chechen and not an Avar?

03:16 20 A. At first we didn't like that. Everybody wants their own
21 people.

22 Q. And why is that?

23 A. Because we don't allow our daughters to marry a person
24 from a different ethnicity, and also we don't take people from
25 other ethnicities to marry our people.

1 Q. I'm going to show you a picture and move into evidence
2 3507-12.

3 (Defense Exhibit No. 3507-12 received into evidence.)

4 BY MR. FICK:

5 Q. Do you recognize this picture?

6 A. Yes.

7 Q. Is that Anzor and Zubeidat around the time of their
8 marriage?

9 A. Yes.

03:17 10 Q. And one more picture, 3507-14.

11 MR. FICK: And I move this into evidence.

12 (Defense Exhibit No. 3507-14 received into evidence.)

13 BY MR. FICK:

14 Q. Do you recognize this photograph?

15 A. Yes.

16 Q. Is that also Anzor and Zubeidat from their time in
17 Siberia?

18 A. Yes, yes.

19 Q. It's much colder there than Dagestan?

03:18 20 A. Yes, it's very cold.

21 Q. When did you first meet Anzor?

22 A. When they came home from there. That's when I met him,
23 when they came home.

24 Q. When they came to Dagestan, in other words?

25 A. Yes, that's when I met him.

1 Q. And did they already have a child at that point?

2 A. Yes.

3 Q. And did you know that Tamerlan was born in Kalmykia,
4 another region of Russia?

5 A. No.

6 Q. So do you have any understanding of what might have
7 brought Zubeidat and Anzor to Kalmykia?

8 A. We don't know that. They didn't live next to us. How
9 would we know?

03:19 10 Q. I'm going to show you another picture and move into
11 evidence 3507-13.

12 (Defense Exhibit No. 3507-13 received into evidence.)

13 BY MR. FICK:

14 Q. Do you recognize this picture?

15 A. Yes.

16 Q. Who is the baby?

17 A. Tamerlan.

18 Q. And so was this photo taken around the time they
19 came -- the first time you met Anzor in Dagestan?

03:20 20 A. Yes.

21 Q. Did Anzor and Zubeidat move around a lot in the time you
22 knew them before they came to America?

23 A. Yes, they moved a lot.

24 Q. Did you sometimes visit them in central Asia?

25 A. To Kyrgyzstan. I went to Kyrgyzstan.

1 Q. And when they were living in central Asia, did they
2 sometimes visit you in Dagestan?

3 A. Yes. Yes, they did.

4 Q. What did you observe about -- what, if anything, did you
5 observe about the effect all of the moving had on the children?

6 A. Yes.

7 Q. Well, what did you observe?

8 A. We watched the children when they came when the children
9 were young. It was very painful for us when they came and
03:21 10 went. It's very painful. It's very hard when your relatives
11 live far away.

12 Q. And how did the children adjust to changing schools?

13 A. Yes.

14 Q. How did they adjust?

15 A. Well, it's hard when you move from one place to another
16 when you need time to get to know the teachers.

17 Q. Were there occasions when you sent your oldest daughter,
18 Nabisat, to help Anzor and Zubeidat with their children?

19 A. Yes.

03:22 20 Q. Was there a time when you sent her all the way to
21 Kyrgyzstan, to Tokmok?

22 A. Yes. Yes. She stayed there three months. She was
23 watching the children.

24 Q. And how old was Nabisat at that time?

25 A. 13 or 14, I think.

1 Q. And who made the decision to send your daughter to help
2 Anzor and Zubeidat?

3 MS. PELLEGRINI: Objection to this line of
4 questioning.

5 THE COURT: Overruled.

6 THE WITNESS: My husband, Magomed.

7 BY MR. FICK:

8 Q. And was there another occasion when you sent your daughter
9 Nabisat to Chechnya to help Anzor and Zubeidat?

03:23 10 A. Yes.

11 Q. And how old was she at that time?

12 A. Then she was 15 or 16.

13 Q. And who made the decision to send her that time?

14 A. Also my husband, Magomed.

15 Q. I'm going to show you a photo and move into evidence
16 3507-90.

17 (Defense Exhibit No. 3507-90 received into evidence.)

18 Q. Do you recognize this photograph?

19 A. Yes.

03:24 20 Q. I'm just going to circle some of the people and have you
21 tell me who they are, okay?

22 A. Okay.

23 Q. The man at the top on the left, who is that?

24 A. This is Anzor, the husband of my sister's.

25 Q. The man at the top on the right?

1 A. This is my husband, Magomed.

2 Q. The woman on the far right?

3 A. This is my sister Zubeidat.

4 Q. The next woman over?

5 A. This is my daughter Naida.

6 Q. The next one over?

7 A. This is my daughter Raisat.

8 Q. The next one over in that row?

9 A. This is my daughter Nabisat.

03:25 10 Q. And then this young man?

11 A. This is my nephew, the son of my sister Fatimat [*sic*].

12 Q. Fatimat?

13 A. Patimat.

14 Q. And his name is Bashir?

15 A. Yes, Bashir.

16 Q. And the woman now in the front row?

17 A. This is myself, Shari.

18 Q. The baby you're holding?

19 A. This is Ailina, my niece, the daughter of my sister's.

03:25 20 Q. Dzhokhar's sister?

21 A. Yes.

22 Q. The next girl over in the bottom row?

23 A. This is my younger daughter, Rabiya.

24 Q. The boy I just circled?

25 A. This is also my sister's son, Tamerlan.

1 Q. And the woman on the right in the front row?

2 A. This is my oldest sister, Patimat.

3 Q. And finally, the child Patimat is holding?

4 A. This is Zubeidat's daughter Bella.

5 Q. And do you remember approximately what year this picture
6 was taken?

7 A. Not exactly, but I think it was 1994.

8 Q. Dzhokhar isn't there yet. Does that help orient you a
9 little bit? Maybe was it earlier?

03:26 10 A. Yeah, Dzhokhar wasn't -- wasn't there yet.

11 Q. So early 1990s. Is that fair?

12 A. Maybe. I don't recall exactly.

13 Q. Do you remember where the picture was taken?

14 A. This is Kyrgyzstan.

15 MR. FICK: I'm going to put up now 3507-1 13 and
16 introduce that.

17 (Defense Exhibit No. 3507-113 received into evidence.)

18 BY MR. FICK:

19 Q. Do you recognize this photograph?

03:27 20 A. Yes.

21 Q. And where was this photograph taken?

22 A. This is in Makhachkala at my younger brother Shakhrudin.

23 Q. And the woman on the left that I'm circling, is that you?

24 A. This is me.

25 Q. And who's this that I'm circling on the right?

1 A. This is my sister Zubeidat.

2 Q. And the girl at the top, who is that?

3 A. This is my daughter, Naida.

4 Q. And the girl next to her?

5 A. This is my brother's wife, Patulya.

6 Q. And is this your brother Shakhrudin in the front there?

7 A. Yes, this is my brother Shakhrudin.

8 Q. And then one more photo I would like to show you,
9 3507-115, which I would also move into evidence.

03:28 10 (Defense Exhibit No. 3507-115 received into evidence.)

11 BY MR. FICK:

12 Q. Who is the woman sitting in the middle of the photo?

13 A. This is my sister Zubeidat.

14 Q. And on the left?

15 A. This is myself.

16 Q. And on the right?

17 A. This is sister Patimat.

18 Q. When was the last time you saw Jahar in person?

19 A. He was eight years old. He was in the second grade when
03:29 20 he left. I haven't seen him since.

21 Q. Describe what kind of child Jahar was in the time that you
22 knew him when he was with you.

23 A. He was a very good boy, quiet, shy. Somebody told him
24 something, he was so shy, he would turn his face away. He was
25 a very good boy, a very quiet boy. The family was fun-loving.

1 Very good family. Very hospitable. They respected each other
2 very much. They didn't talk back. They were so good. They
3 wouldn't hurt a fly. My sister's children was such good
4 children.

5 Q. When they left for America, were you concerned about them
6 leaving?

7 A. Yes, of course. We felt very bad. We cried a lot. We
8 didn't want them to go.

9 Q. And why was that?

03:31 10 A. Because it's so far. We didn't want our youngest sister
11 to be so far away from us. She wouldn't have the love that she
12 would if she were close to us, so we didn't want her to go.
13 She was like a daughter to me. I raised her. I treated her
14 like a daughter. It was like somebody tore her away from me
15 when she left.

16 Q. Some years later, did Zubeidat begin to visit Dagestan
17 from the United States?

18 A. She came back in about five or six years.

19 Q. And the first few times she visited, did she seem more or
03:32 20 less as she always had been? Was she the same person?

21 A. The first time she came she was the same.

22 Q. Was there a subsequent visit where something had changed?

23 A. Yes. When she came right before the brother died, she
24 came and she was all covered up. We were all shocked. We were
25 all in pain. We were very scared. We had never had people

1 like that in our family. We prayed, we fasted, but no people
2 like that. We cried. My oldest sister and I, we asked, "What,
3 do they dress like that in America? Why are you -- why do you
4 look like that?"

5 Q. You said you were scared. Why?

6 A. It was scary to look at her. We had never had people like
7 that in our family. Usually, you're dressed in all black when
8 you're mourning someone deceased. People would wear black when
9 a brother dies or a father dies, or people would wear black for
03:34 10 a year when in mourning, but not in other locations.

11 She had never been like that. She had always been
12 fun-loving. She had never covered her hair with a scarf. The
13 family was fun-loving. They liked to --

14 MS. PELLEGRINI: Your Honor, objection first to
15 "family," and, secondly, can we have a question?

16 THE COURT: Yeah, okay. Let's have this answer.

17 THE WITNESS: The family was fun-loving. They used to
18 dance and sing. They liked to have fun. And when she came
19 like that, we were in shock.

03:35 20 BY MR. FICK:

21 Q. What's the last time you saw Tamerlan in person?

22 A. The last time we saw him when he left -- before he left
23 for the United States. When he came back for three or four
24 months, he was there.

25 Q. Was that in 2012?

1 A. Yes. He started talking about religion. He was very
2 different, Tamerlan, and we hadn't seen him since he'd left.

3 Q. You've been a little teary here today. Can you tell us
4 why?

5 MS. PELLEGRINI: Objection.

6 THE COURT: Sustained.

7 MR. FICK: Nothing further.

8 MS. PELLEGRINI: No questions.

9 THE COURT: No questions? All right, Ms.

03:36 10 Suleimanova, you may step down.

11 (The witness is excused.)

12 MR. FICK: The defense calls Nabisat Suleimanova.

13 NABISAT SULEIMANOVA, duly sworn through interpreter

14 THE CLERK: State your name and spell your first and
15 last name for the record.

16 THE WITNESS: Suleimanova Nabisat Magomedovna.

17 MR. FICK: And, again, with the Court's indulgence,
18 it's N-A-B-I-S-A-T.

19 DIRECT EXAMINATION

03:38 20 BY MR. FICK:

21 Q. Good morning, Ms. Suleimanova.

22 A. Good morning.

23 Q. What year were you born?

24 A. 1974.

25 Q. And where were you born?

1 A. In the village of Chokh.

2 Q. And where did you grow up? Where did you spend your
3 childhood and youth?

4 A. Until second grade I went to school in Chokh, and later on
5 in Kaspiysk.

6 Q. And where do you live now?

7 A. Now I live in the village of Unty.

8 Q. And I'm going to put a map up here on the screen. Is Unty
9 a village in the mountains not far from Chokh?

03:39 10 A. Yes, here.

11 Q. I'm going to show you a photograph and enter into evidence
12 what's been marked 3507-85.

13 (Defense Exhibit No. 3507-85 received into evidence.)

14 BY MR. FICK:

15 Q. Do you recognize what this photograph shows?

16 A. Yes. This is the house of my in-laws.

17 Q. And is this where you live in Unty? Is this the house you
18 live in?

19 A. Yes.

03:40 20 Q. And the man in the center of the photograph here that I've
21 circled, who is that?

22 A. This is Anzor, Jahar's father.

23 Q. And the man in the far right corner, who is that?

24 A. This is my husband.

25 MR. FICK: Also, I'd publish and move into evidence

1 3507-84.

2 (Exhibit No. 3507-84 received into evidence.)

3 BY MR. FICK:

4 Q. Now, what does this photograph show?

5 A. This is the view of the mountains that we have from our
6 house.

7 Q. And is that your garden with some fruit there in front?

8 A. Yes.

9 MR. FICK: And finally, I'd publish and move into
03:41 10 evidence 3507-86.

11 (Defense Exhibit No. 3507-86 received into evidence.)

12 BY MR. FICK:

13 Q. Is this the road leading into Unty?

14 A. Yes.

15 Q. Now, putting back up the family tree here, what is your
16 family connection to Jahar?

17 A. My mother and his mother are sisters, and we are cousins.

18 Q. So is this you that I'm circling here in the middle of the
19 chart? There's a Russian version in front of you.

03:42 20 A. Yes. Yes.

21 Q. And so there's only seven years' difference between you
22 and Zubeidat in age. Is that right?

23 A. Yes.

24 Q. Do you remember when she first came to Dagestan with
25 Anzor?

1 A. Yes. She came when Tamerlan was just a few months old.

2 Q. I'm going to put back up on the screen what's in evidence
3 as 3507-13. Is this a picture from roughly that time?

4 A. Yes. Yes.

5 Q. How did your family react to the fact that Zubeidat had
6 married a Chechen man?

7 A. It was unusual at first, but then everybody got used to
8 this idea.

9 Q. Can you describe just a couple of the differences in
03:43 10 culture and custom between the Avar nationality and the Chechen
11 nationality?

12 A. There are a lot of traditions, but I don't really know
13 much about it.

14 Q. Well, for example, in terms of the way weddings are
15 performed, are there some differences in tradition between the
16 Chechens and Avars?

17 A. Yes. In their tradition, the bride spends the whole day
18 by herself in the corner or in a special place that's assigned
19 to her, and in our tradition, the bride sits at the table.

03:44 20 Q. I'm going to show you a picture and enter into evidence
21 what's been marked as 3507-117.

22 (Defense Exhibit No. 3507-117 received into evidence.)

23 BY MR. FICK:

24 Q. Do you recognize this picture?

25 A. Yes, of course I do.

1 Q. Is this a picture from your wedding?

2 A. Yes, from my wedding.

3 Q. And you were allowed to sit at the table? It was a
4 traditional Avar wedding?

5 A. Yes.

6 Q. So who's this in the middle here?

7 A. This is Aunt Patimat, my mother's oldest sister.

8 Q. And the woman on the right?

9 A. This is the wife of Uncle Shukhrudin, my mother's brother.

03:45 10 Q. Again turning to some of the cultural differences between
11 Chechens and Avars, is there a difference in the way children
12 are handled after a divorce between the two cultures?

13 MS. PELLEGRINI: I'm going to object to this, your
14 Honor.

15 THE COURT: Overruled. I'll allow it.

16 THE WITNESS: Yes, there are differences. In Chechen
17 tradition, the children usually stay with the father. They
18 don't go to live with the mother. And in Avar tradition, they
19 usually stay with the mother.

03:46 20 BY MR. FICK:

21 Q. And what about the role of men in the family and the
22 eldest men in the family as between Chechen and Avar cultures?
23 Are there similarities or differences?

24 A. The similarity is that the older brother usually -- or an
25 older male is in charge of the family, is responsible for the

1 family.

2 Q. Now, what -- for example, in your family, you have all
3 sisters. You have no older brother. So if your father were
4 not available, what male would be the one responsible in your
5 tradition for making family decisions?

6 A. It will be my father's brother.

7 Q. And would it be any brother of your father or your
8 father's oldest brother?

9 A. My father specifically only has one brother, but if there
03:47 10 are several brothers and the oldest one is not available, then
11 the younger brother can also be in charge.

12 Q. But if the oldest brother is available, what would happen?

13 A. Then the oldest is responsible.

14 Q. From the time of their marriage until their departure to
15 the United States, did Anzor and Zubeidat and their children
16 live in a number of different places?

17 A. Yes, they moved from Kyrgyzstan to Dagestan and to
18 Chechnya and then back to Kyrgyzstan.

19 Q. And between stops, so to speak, did they often come to see
03:48 20 the family or stay with the family for a time in Dagestan?

21 A. Yes, they stayed with the family in Makhachkala.

22 Q. Based on your own personal knowledge, where was Dzhokhar
23 born?

24 A. He was born in Kizlyar region.

25 Q. And is Kizlyar a town in Dagestan?

1 A. Yes. Yes.

2 Q. And how do you know that?

3 A. Well, Aunt Zubeidat came to visit us. Dzhokhar was born
4 prematurely. They were staying in Kizlyar with relatives, and
5 that's where he was born.

6 Q. And you were around at that time. Is that right?

7 A. Yes, I lived in Kaspiysk.

8 Q. And how old were you at that time, roughly?

9 A. I don't want to give you false information, to be honest.

03:50 10 I don't recall exactly.

11 Q. You were at least a teenager or a young adult at that
12 point; is that fair?

13 A. No, I think I was approximately 20 years old.

14 Q. Now, last week -- do you remember I showed you from
15 his -- Dzhokhar's American immigration file a birth certificate
16 from Kyrgyzstan? Do you remember looking at that with me?

17 A. Yes, I remember.

18 MR. FICK: And I want to make sure there's no
19 objection, but I would like to put the document on the screen
03:51 20 just as a chalk, if I could.

21 MR. WEINREB: Let's see it first.

22 THE COURT: Why don't you put it up. I've taken the
23 jury down. Why don't you just put it up.

24 MR. FICK: Okay. Thank you, your Honor.

25 Is there -- I guess, is there an objection to using it

1 as a chalk?

2 MS. PELLEGRINI: Is there a translation for the chalk?

3 MR. FICK: Well, I intend to just use it for the
4 witness's reference and ask questions about it.

5 THE COURT: Just an illustration? That's fine. You
6 can use it as a chalk.

7 MR. FICK: Thank you, your Honor. And we've marked
8 this as 3505 for identification.

9 BY MR. FICK:

03:52 10 Q. Is this the Kyrgyzstan birth certificate for Dzhokhar that
11 I showed you last week?

12 A. That's what it says.

13 Q. Were there a few unusual things that you pointed out to
14 me?

15 MS. PELLEGRINI: I'm going to object, your Honor.

16 THE COURT: Sustained.

17 MR. FICK: Let me ask a more pointed question.

18 BY MR. FICK:

19 Q. Is Dzhokhar's name on this birth certificate spelled
03:52 20 correctly?

21 A. I don't think so because "Dzhokhar," not "Dzhokhar."

22 Q. Is this an extra V added to the middle of the name here,
23 "Dzhovkhar"?

24 A. I don't know. Maybe that's the pronunciation in Chechen.
25 I can't tell you exactly, but the name is "Dzhokhar" without V.

1 Q. And is it fair to say that on the birth certificate there
2 is a V in the middle of the name?

3 MS. PELLEGRINI: Your Honor, I'm going to object.

4 THE COURT: Sustained. I think she's indicated she
5 doesn't really have a basis for answering.

6 MR. FICK: Well, I'm asking her about what is shown on
7 the document, not why.

8 THE COURT: Move along.

9 BY MR. FICK:

03:54 10 Q. What is the date of birth on this document?

11 I'm sorry. Let me just repeat the question. On the
12 document that we're looking at, what is written down as the
13 date of birth?

14 A. 22nd July. It's not quite clear if it's June or July.

15 MR. WEINREB: May we approach, your Honor?

16 THE COURT: All right.

17 (Discussion at sidebar and out of the hearing of the
18 jury:)

19 THE COURT: Before I hear the objection, tell me what
03:55 20 the point of this is.

21 MR. FICK: It's to show the level of chaos in the
22 family. We're not trying to suggest that he is under 18, but
23 there are multiple things about this document that are very
24 strange, and we're trying to go through each one of them.
25 There's a suggestion that --

1 THE COURT: No. It hasn't even been authenticated.

2 MR. FICK: It's what's in his U.S. immigration file,
3 so it is the document that U.S. authorities relied upon.

4 THE COURT: No. Let's get to something else.

5 (In open court:)

6 BY MR. FICK:

7 Q. Ms. Suleimanova, were there times when you lived with
8 Zubeidat and Anzor and their family outside of Dagestan?

9 A. Yes. I lived with them in Kyrgyzstan.

03:56 10 Q. Can you describe the circumstances leading up to that?

11 A. My father opened a brick factory in Kyrgyzstan, and they
12 formed a team of workers who -- my whole family went. And in
13 order for me not to stay with the men, I lived with Zubeidat.

14 Q. And how old were you at this time?

15 A. Fourteen.

16 Q. And who decided to have you live with Zubeidat's family?

17 A. My father.

18 Q. And where did your sisters -- did your sisters stay back
19 in Dagestan?

03:57 20 A. Yes, my sisters and my mother stayed in Dagestan.

21 Q. During this time, did you sometimes take care of the
22 children in the evening when Anzor and Zubeidat would go out?

23 A. Yes, I stayed and watched the children.

24 Q. Do you have a particular memory about one of those
25 occasions you could share?

1 MS. PELLEGRINI: Can we have a date on this, your
2 Honor?

3 THE COURT: Yeah, let's locate it a little bit in
4 context.

5 BY MR. FICK:

6 Q. Do you remember approximately what year you stayed with
7 Anzor and Zubeidat in Kyrgyzstan?

8 A. One second. It was sometime in '87 or '88 if I was 14
9 years old.

03:58 10 Q. So at this point Jahar had not been born yet. Is that
11 fair to say?

12 A. No, at that time they only had Tamerlan and Bella.

13 Q. Okay. But on occasion in the evening when they would go
14 out, you would stay with Tamerlan and Bella, correct?

15 A. Yes, I stayed home.

16 Q. And is there a particular experience or memory that you
17 wish to share about one of those occasions?

18 MS. PELLEGRINI: I'm going to object to the relevance
19 of this.

03:59 20 THE COURT: Sustained.

21 BY MR. FICK:

22 Q. In addition to the time that you lived with the Tsarnaev
23 family in Kyrgyzstan, was there a time when you lived with them
24 and helped with the children in Chechnya?

25 A. Yes, when they moved to Chechnya.

1 Q. And when was that approximately?

2 A. I don't remember the year exactly.

3 Q. Was it the early 1990s?

4 A. Before the war broke out in Chechnya.

5 Q. And did something happen at the internal border between
6 Dagestan and Chechnya when you were traveling to move there?

7 MS. PELLEGRINI: Objection.

8 THE COURT: Sustained.

9 MR. FICK: May we approach?

04:00 10 THE COURT: No, just -- let's get back on track.
11 Remember what the case is about, please.

12 BY MR. FICK:

13 Q. Well, so you moved with Anzor and Zubeidat and their
14 family to Chiri-Yurt, Chechnya, correct?

15 A. Yes.

16 Q. And I'm just going to put up again on the screen the map
17 of the region. Was this Chiri-Yurt up here in Chechnya?

18 THE INTERPRETER: It doesn't come on.

19 MR. FICK: Oh, I'm sorry.

04:00 20 THE COURT: My fault.

21 BY MR. FICK:

22 Q. Is this Chiri-Yurt in Chechnya?

23 A. Yes, yes.

24 Q. So this is across the border from Dagestan?

25 A. Yes, across the border.

1 Q. And what caused you to -- or who made the decision to send
2 you to help Anzor and Zubeidat in Chiri-Yurt?

3 A. My parents decided to let me go and help around the time
4 that they were acclimatizing to the new place.

5 MR. FICK: I'm going to put up on the screen and move
6 into evidence what's been marked as 3507-77.

7 (Defense Exhibit No. 3507-77 received into evidence.)

8 BY MR. FICK:

9 Q. Do you recognize this as being what remains of the house
04:01 10 in Chiri-Yurt where they lived?

11 A. Yes, I recognize. That's the house.

12 MR. FICK: And 3507-78, also publish and move into
13 evidence.

14 Whoops, I'm sorry. Not 78, 79.

15 (Defense Exhibit No. 3507-79 received into evidence.)

16 BY MR. FICK:

17 Q. Is that another angle looking at the house?

18 A. Yes.

19 Q. And then 3507-80, is that an interior view?

04:02 20 MR. FICK: I'd move this one also in.

21 (Defense Exhibit No. 3507-80 received into evidence.)

22 THE WITNESS: Yes, from in the courtyard.

23 MR. FICK: And finally 3507-81. Also move that into
24 evidence.

25 (Defense Exhibit No. 3507-81 received into evidence.)

1 BY MR. FICK:

2 Q. And is this another view of the remains of that house?

3 A. Yes.

4 Q. I'm sorry. Moving back to the time you lived with
5 Zubeidat and Anzor in Kyrgyzstan, did you become acquainted at
6 that time with some of Anzor's family in Kyrgyzstan?

7 A. Yes, Aunt Liza, Maret, Malkana, Anvar, and Dalvi.

8 Q. And so the -- I'm sorry. And the names you just listed,
9 Liza, was that Anzor's mother?

04:03 10 A. Yes.

11 Q. I'm sorry. The other names were brothers and sisters of
12 Anzor?

13 A. Yes.

14 MR. FICK: And publishing and moving into evidence
15 3507-16.

16 (Defense Exhibit No. 3507-16 received into evidence.)

17 BY MR. FICK:

18 Q. Do you recognize this photograph?

19 A. Yes, this is Liza's house.

04:04 20 Q. And where is it?

21 A. In Kyrgyzstan.

22 Q. How did Anzor's mother, Liza, relate to Zubeidat?

23 MS. PELLEGRINI: Objection.

24 THE COURT: Sustained.

25 BY MR. FICK:

1 Q. Were there conflicts between Anzor's mother and Zubeidat?

2 MS. PELLEGRINI: Same question actually, also leading.

3 THE COURT: You may answer that.

4 THE WITNESS: Not conflicts per se, but everybody
5 wants to have a daughter-in-law from the same ethnic
6 background, and here you have a daughter-in-law who is an
7 Anvar, and they didn't know much about the Anvars.

8 BY MR. FICK:

9 Q. Was there a -- was this a source of conflict between Anzor
04:05 10 and Zubeidat?

11 MS. PELLEGRINI: Objection, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: There was some negative feelings. My
14 mother-in-law didn't want my husband to marry me, and there was
15 the same situation there.

16 BY MR. FICK:

17 Q. Returning now to the time in Chiri-Yurt in Chechnya, did a
18 time come when Zubeidat and Anzor left Chechnya and returned to
19 Dagestan?

04:06 20 A. Yes.

21 Q. And when was that and why did that happen?

22 MS. PELLEGRINI: Well, I object. I don't object to
23 the "when," but I do object to the "why."

24 THE COURT: All right. It's multiple. Let's take the
25 "when" first.

1 BY MR. FICK:

2 Q. Do you remember approximately when that occurred? How
3 long had they been in Chiri-Yurt when they left?

4 A. I don't remember how long they lived there, but they
5 didn't live there long.

6 Q. And why did they leave Chiri-Yurt?

7 MS. PELLEGRINI: Now I have an objection to the "why."

8 THE COURT: Sustained.

9 MR. FICK: May we approach?

04:06 10 THE COURT: Basis of knowledge.

11 BY MR. FICK:

12 Q. Were you present up until the time they left Chiri-Yurt?

13 A. I was there when they moved there --

14 Q. Were you there --

15 A. -- to Chiri-Yurt.

16 Q. Were you there when they left Chiri-Yurt?

17 A. When they left Chiri-Yurt, you're asking?

18 Q. Yes.

19 A. I was in Kaspiysk then, at home.

04:07 20 Q. Do you have an understanding from your family about why
21 they left Chiri-Yurt?

22 MS. PELLEGRINI: Objection.

23 THE COURT: Sustained.

24 BY MR. FICK:

25 Q. Was something happening in Chechnya at the time they left

1 Chiri-Yurt?

2 MS. PELLEGRINI: Objection.

3 THE COURT: You may answer that.

4 THE WITNESS: The war was unraveling there. When we
5 were moving there with all the stuff, we were stopped at the
6 border.

7 MS. PELLEGRINI: Objection.

8 THE COURT: Same.

9 MR. FICK: It's her personal experience, your Honor.

04:08 10 THE COURT: I think it's a volunteered answer. Let's
11 get another question.

12 BY MR. FICK:

13 Q. After Anzor and Zubeidat and their family left Chiri-Yurt,
14 where did they move to?

15 A. They were in Dagestan in Makhachkala.

16 Q. And did you see them often during that time period?

17 A. Not often -- not as often as I wanted to at that time. I
18 was married, I had my own house, I had a child, and I was
19 there.

04:09 20 Q. But did you see them from time to time?

21 A. Yes. Rarely, but I did see them.

22 Q. Your families interacted from time to time?

23 A. Yes, of course.

24 Q. I'd like to show you a photograph and ask you some
25 questions about it.

1 MR. FICK: And move into evidence 3507-27.

2 (Defense Exhibit No. 3507-27 received into evidence.)

3 BY MR. FICK:

4 Q. Do you recognize this photograph?

5 A. Of course.

6 Q. Do you recognize where it was taken?

7 A. This is in Makhachkala at their house.

8 Q. And who is that in the picture?

9 A. Dzhokhar.

04:09 10 Q. And do you know what he's doing?

11 A. He's doing his homework.

12 Q. And do you have a memory of interacting with Dzhokhar in
13 that apartment and some of the things he did?

14 A. Of course I do. I remember everything.

15 Q. What are some of your favorite memories of Dzhokhar?

16 A. There are very many. He was so warm. He was so caring.
17 One would want to hug him and not let him go. He was an
18 unusual child. He was wonderful kid. He was the first one who
19 helped the wife of Mukhammad Haji, Patimat, discover her
04:11 20 maternal feelings. She's a very stern woman. She worked in
21 security forces, and she was very pedantic and made her
22 children follow the rules all the time. And when Jahar
23 appeared, he changed her drastically. She would even let him
24 urinate in the sink in the kitchen, and it was very strange for
25 us.

1 Q. A couple of days ago, do you remember listening to an
2 audio recording that I played for you from Tamerlan's computer?

3 A. Yes, I remember.

4 Q. And what was your reaction to hearing that recording?

5 MS. PELLEGRINI: Objection.

6 THE COURT: Sustained.

7 BY MR. FICK:

8 Q. In the area where you live in Dagestan, is there a problem
9 that you experience day to day with the spread of extremist
04:12 10 ideas?

11 MS. PELLEGRINI: Objection.

12 THE COURT: Sustained.

13 MR. FICK: May I just have one moment?

14 (Counsel confer off the record.)

15 MR. FICK: Your Honor, I'm going to suggest that we
16 take the lunch recess. I'm almost done, but we have a couple
17 of issues to resolve plus to find out --

18 THE COURT: I would rather finish.

19 MR. FICK: I'm sorry?

04:14 20 THE COURT: I would rather finish.

21 MR. FICK: Okay. If I may just have one moment.

22 (Counsel confer off the record.)

23 MR. FICK: I have nothing further, your Honor. Thank
24 you.

25 Thank you, Ms. Suleimanova.

1 MS. PELLEGRINI: No questions.

2 THE COURT: All right, Ms. Suleimanova. You may step
3 down.

4 (The witness is excused.)

5 THE COURT: And now we will take the lunch recess.

6 THE CLERK: All rise for the Court and the jury. The
7 Court will take the lunch recess.

8 (The Court and jury exit the courtroom and there is a
9 recess in the proceedings at 12:57 p.m.)

05:24 10 THE CLERK: All rise for the Court.

11 (The Court enters the courtroom at 2:08 p.m.)

12 THE COURT: I'm told somebody wants to see me at the
13 side? I'll see counsel at the side.

14 (Discussion at sidebar and out of the hearing of the
15 public:)

16 MR. FICK: I just wanted to make a brief proffer about
17 two of the areas where the Court had shut down the questioning,
18 just for the record.

19 THE COURT: Okay.

05:25 20 MR. FICK: As to the last witness, Nabisat
21 Suleimanova, she was prepared on a couple of occasions, before
22 being shut down, to testify about her own personal experience
23 about crossing the border from Dagestan into Chechnya when she
24 was going there to live with the Tsarnaev family. The
25 substance of that testimony would have been at the border they

1 were told that fighting, military war-type activities had begun
2 in Chechnya, it was not a good idea to go, but that Anzor
3 insisted on going, and they, in fact, did go. Things were okay
4 in the town of Chiri-Yurt, where they were for a number of
5 months, but she herself eventually went back to Dagestan, and
6 then when the fighting really broke out more intensely, the
7 rest of the family did.

8 So that was the first issue, that I had hoped that she
9 would be able to talk about her personal experience in making
05:26 10 that border crossing.

11 The second issue was with regard to her reaction to
12 listening to the tape recordings of Tamerlan and others in
13 Dagestan talking about Islamic radical ideas, essentially she
14 was going to sort of tie her reaction to that to her own -- the
15 experience of her family in the town where she lives. The
16 spread of these ideas is a very big problem. They have
17 meetings about it at school. It's something she worries about
18 with her own children. So, again, to sort of personalize and
19 to make -- to sort of draw a connection and highlight
05:27 20 the out-of-boundness of the nature of the things Tamerlan was
21 discussing, I would have elicited more information from her
22 about that, had the Court permitted it.

23 And I think Ms. Conrad noticed something in particular
24 about the language the Court used in shutting off one of these
25 lines of questioning, but I actually didn't myself, if you

1 wanted to --

2 MS. CONRAD: I thought I heard your Honor say, "Let's
3 stick to what this case is about." I mean, this case is about,
4 among other things, as part of the mitigation case, the history
5 of the family. The history of the family is relevant to the
6 mitigation case. And I would submit that by saying that, the
7 Court is essentially telling the jury to ignore or to give less
8 weight to this testimony.

9 THE COURT: Well, the evidence was getting pretty far
05:27 10 remote from the issues in the case. Anyway, the proffer has
11 been made. What's next?

12 MR. FICK: So at this point then we would not re-call
13 the elder Ms. Suleimanova, so I think we're done with the
14 Russian witnesses and --

15 MS. CONRAD: I think one question would be whether, in
16 light of the proffer, the Court would reconsider because you --

17 THE COURT: No, I think the proffer confirmed my views
18 on both matters.

19 MS. CONRAD: Then I'll want to re-call Alexa Guevara.
05:28 20 I have a few more questions for her.

21 THE COURT: Right. And then you have Rosa Booth on
22 the list.

23 MS. CONRAD: Yes. And that's all I have for today.

24 THE COURT: That's pretty thin. Tell me about
25 tomorrow, as long as we're doing this.

1 MS. CONRAD: I don't have my list in front of me. I
2 could get my list.

3 MR. BRUCK: It will be a full day.

4 THE COURT: Well, tell me about the experts. I mean,
5 is Reynolds --

6 MR. BRUCK: Reynolds, and then we may start with the
7 Bureau of Prisons expert -- Bureau of Prisons evidence.

8 MR. FICK: There's a local Russian witness who will be
9 in tomorrow as well with the interpreter here.

05:28 10 THE COURT: Okay. But, anyway, you've assured me it's
11 a full day.

12 MR. BRUCK: Tomorrow is a full day.

13 MS. CLARKE: I think it is.

14 THE COURT: Okay. All right.

15 (In open court:)

16 THE CLERK: All rise for the jury.

17 (The jury enters the courtroom at 2:12 p.m.)

18 THE CLERK: Be seated.

19 MS. CONRAD: At this time the defense recalls Alexa
05:30 20 Guevara.

21 THE COURT: Jurors, you will recall this witness was
22 on the stand when we previously recessed and is now completing
23 her testimony.

24 ALEXA GUEVARA, resumed

25 CONTINUED DIRECT EXAMINATION

1 BY MS. CONRAD:

2 Q. Good afternoon, Ms. Guevara.

3 Ms. Guevara, when you were in your freshman year and Jahar
4 was in his sophomore year at UMass Dartmouth, did you know
5 where Jahar's parents were?

6 A. I knew that they were not in the country.

7 Q. And do you know what role his older brother took on in the
8 absence of his parents?

9 MS. PELLEGRINI: Objection.

05:31 10 THE COURT: Sustained.

11 BY MS. CONRAD:

12 Q. Did you know whether -- what Jahar's ethnic background
13 was?

14 A. Yes.

15 Q. And what was it?

16 A. He's from Chechnya.

17 Q. And at some point did he actually demonstrate a Chechen
18 dance for you and some of your friends?

19 A. Yes, he did.

05:31 20 Q. Can you tell us about that, please?

21 A. Well, our friend Dias told us one day that Jahar could do
22 this really cool Chechen dance, and so me, my sister, Pam, and
23 Tiff, we begged Jahar to do it for us, like for a really long
24 time. So he eventually got up and he did it, but then
25 afterwards, Dias told him he didn't do it right, so to do it

1 better, to do it how he did it for him.

2 Q. Did he do it again?

3 A. Yeah, he did.

4 Q. What was it like?

5 A. It was a lot of quick movements, like I didn't think he
6 was that coordinated.

7 MS. CONRAD: I don't have anything further for
8 Ms. Guevara at this time.

9 THE COURT: All right.

05:32 10 Ms. Pellegrini?

11 MS. PELLEGRINI: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MS. PELLEGRINI:

14 Q. Good afternoon, Ms. Guevara.

15 A. Good afternoon.

16 Q. When you were here last week, you testified that Dzhokhar
17 Tsarnaev would -- when you'd order pizza, things like that,
18 that he would pay for it, correct?

19 A. Yes.

05:33 20 Q. All right. And he had a lot of extra money, didn't he?

21 A. No, I wouldn't say so.

22 Q. He didn't have a job while he was at UMass Dartmouth, did
23 he?

24 A. No.

25 Q. But he had money to buy pizza for other --

1 MS. CONRAD: Objection, your Honor. May we be heard?

2 THE COURT: All right.

3 (Discussion at sidebar and out of the hearing of the
4 jury:)

5 MS. CONRAD: I don't think this is proper impeachment,
6 and I don't see how it goes to bias, and I don't see how it's
7 within the scope, so I'm not sure what the government is doing
8 here.

9 MS. PELLEGRINI: Well, I don't think I have to explain
05:33 10 what the government is doing to Ms. Conrad, but the fact of the
11 matter is that -- with respect to how well she knows the
12 defendant and the activities in which she participated with
13 him, and I think it is important for the jury to know. My line
14 of questioning will be whether she knows that he got money from
15 doing drugs. I know they did drugs together. Her 302, her
16 prior testimony in the Tazhayakov case indicated that she would
17 often text him. So I'm going down that road to find out
18 exactly what she knew about him.

19 MS. CONRAD: Well, I don't see how doing drugs is a
05:34 20 source of income, and the government is purposely
21 asking witnesses who knew the defendant as a child whether he
22 knew he was Tamerlan's brother at UMass Dartmouth. Unless the
23 government is prepared to prove that up, which I think it would
24 be inadmissible anyway -- but unless they're prepared to prove
25 that up, I don't see how it's proper for them to be asking

1 these questions to plant that seed without any foundation.

2 What is their basis for that?

3 THE COURT: Okay. It can go too far, but I'll permit
4 some of it in.

5 (In open court:)

6 BY MS. PELLEGRINI:

7 Q. Ms. Guevara, do you know if Jahar Tsarnaev got extra money
8 from selling drugs?

9 A. Yes.

05:35 10 Q. And how do you know that?

11 A. I just heard that he sold --

12 MS. CONRAD: Objection. Move to strike. No personal
13 knowledge.

14 THE COURT: Yes, I'll strike it on that answer.

15 BY MS. PELLEGRINI:

16 Q. Ms. Guevara, you smoked marijuana with Dzhokhar Tsarnaev,
17 correct?

18 THE COURT: Let me just remind the jury that if it's
19 stricken evidence, it's no longer evidence, and you can
05:35 20 disregard it.

21 BY MS. PELLEGRINI:

22 Q. Correct?

23 A. Correct.

24 Q. All right. In fact, when you were talking with Ms. Conrad
25 about that the last time, on spring break when you and the

1 defendant, Dzhokhar Tsarnaev, and others went out for dinner,
2 isn't it true that all of you were looking to buy marijuana?

3 A. Eventually by the end of the night.

4 Q. Right. And did you do so?

5 A. Yes.

6 Q. And, in fact, when you -- you indicated that you played a
7 game with your phone with the defendant. Is that correct? A
8 Scrabble game?

9 A. Yes.

05:36 10 Q. But you also used your phone to communicate with him about
11 doing drugs. Isn't that correct?

12 A. No, it's not correct.

13 Q. Do you recall testifying in the summer of 2014?

14 MS. CONRAD: Objection, your Honor.

15 THE COURT: Let me see you.

16 (Discussion at sidebar and out of the hearing of the
17 jury:)

18 MS. CONRAD: She acknowledged that they did drugs
19 together, so I don't know what the relevance of the text is
05:37 20 because she's not really impeaching her because she already
21 acknowledged it.

22 THE COURT: Yeah. Where are you heading?

23 MS. PELLEGRINI: I'm saying that the fact that they
24 exchanged text messages and she indicated that her text
25 messages would be something like "Roll up," as in "Let's

1 smoke," and "Do you have a bud" -- "Do you want to smoke" --
2 indicating a sort of coded nature of their conversations, that
3 it wasn't simply --

4 THE COURT: No, I think you have enough. You've got
5 the fact of the use of drugs. I think that's enough.

6 (In open court:)

7 BY MS. PELLEGRINI:

8 Q. Ms. Guevara, in the March spring break that Ms. Conrad
9 asked you about, Mr. Tsarnaev didn't stay around at the UMass
05:38 10 Dartmouth campus, did he?

11 A. No.

12 Q. Do you know where he went?

13 A. Came back to Cambridge, I believe.

14 Q. And as a matter of fact, for the Christmas break was he
15 also in Cambridge, if you know?

16 MS. CONRAD: Objection to scope.

17 THE COURT: Overruled.

18 THE WITNESS: I believe he was.

19 BY MS. PELLEGRINI:

05:38 20 Q. And you indicated that during the spring break when you
21 all were together that there was a time that fireworks were
22 involved, correct?

23 A. Correct.

24 Q. All right. And isn't it true that it was Dzhokhar
25 Tsarnaev who brought the fireworks to the group?

1 A. From the car, yes.

2 Q. All right. And isn't it true that he got those fireworks
3 out of a backpack that was in the car that he was driving?

4 A. This is true.

5 Q. And were you aware that Dzhokhar Tsarnaev left the UMass
6 Dartmouth campus on April 11th and didn't return until April
7 the 16th?

8 A. Not specifically aware of it, but, yeah.

9 Q. Did you see him during that time period, between April
05:38 10 11th and April 16th of 2013?

11 A. No.

12 Q. Did you know that Dzhokhar Tsarnaev had opened up a
13 Twitter account under the name G-H-U-R-A-B-A, "Ghuraba"?

14 A. No.

15 Q. Did he tell you that he planned to go to a gun range
16 during spring break?

17 A. No, he did not.

18 Q. Did he tell you after he got back from spring break that
19 he had gone to a gun range, a firing range?

05:39 20 A. No, that topic never came up.

21 Q. Did he ever tell you that he had a gun?

22 MS. CONRAD: Objection, your Honor.

23 THE COURT: Sustained.

24 BY MS. PELLEGRINI:

25 Q. Did Dzhokhar Tsarnaev warn you not to go to the Boston

1 Marathon April the 15th of 2013?

2 MS. CONRAD: Objection, your Honor.

3 THE COURT: Overruled. You may answer that.

4 THE WITNESS: No, he never warned me.

5 MS. PELLEGRINI: Thank you. I have no further
6 questions.

7 THE COURT: Ms. Conrad?

8 MS. CONRAD: One moment, please.

9 (Counsel confer off the record.)

05:40 10 MS. CONRAD: I just have a couple of questions. May I
11 inquire from here?

12 THE COURT: If it's really only a couple.

13 MS. CONRAD: It is, but I'll take a walk.

14 REDIRECT EXAMINATION

15 BY MS. CONRAD:

16 Q. In spring break, who was it who was looking for marijuana
17 to smoke the evening when fireworks were involved?

18 A. I would say it was a joint effort, I guess, from all of
19 us.

05:40 20 Q. No pun intended?

21 A. No pun intended.

22 (Laughter.)

23 Q. And do you recall whether Jahar smoked with you?

24 A. No, he didn't smoke with us.

25 Q. And he didn't provide the marijuana that evening, did he?

1 A. No.

2 MS. CONRAD: Thank you.

3 THE COURT: All right, Ms. Guevara. You may step
4 down.

5 (The witness is excused.)

6 MS. CONRAD: The defense calls Rosa Booth.

7 ROSA BOOTH, duly sworn

8 THE CLERK: State your name, spell your first and last
9 name for the record.

05:42 10 WITNESS: Rosa Booth, B-O-O-T-H.

11 DIRECT EXAMINATION

12 BY MS. CONRAD:

13 Q. Good afternoon, Ms. Booth. I'm over here.

14 How old are you?

15 A. Twenty-one.

16 Q. And are you enrolled in school?

17 A. Yes.

18 Q. Where?

19 A. Massachusetts College of Art.

05:42 20 Q. And what year of school are you in right now?

21 A. I'm in my third year.

22 Q. Where did you go to high school?

23 A. Cambridge Rindge and Latin.

24 Q. And did you know Jahar Tsarnaev?

25 A. I did.

1 Q. And do you see him in the courtroom?

2 A. Yes, I do.

3 Q. And how did you meet Jahar?

4 A. In math class, second semester of 2011.

5 Q. So that would be your senior year?

6 A. My junior year, his senior year.

7 Q. I see. So you were a year behind him?

8 A. Yes.

9 Q. And did you become friends?

05:42 10 A. Yes.

11 Q. In math class other than listening to the teacher,
12 hopefully, and taking notes, did you and Jahar engage in any
13 particular activity?

14 A. We would sit together most days and talk and sketch.

15 Q. What do you mean by "sketch"?

16 A. There's a game where you fold a piece of paper over and
17 start a drawing on the top and then fold it and the other
18 person continues and so on.

19 Q. What was Jahar like when he was a senior in high school?

05:43 20 A. He seemed like a sweet boy.

21 Q. Did you spend time with him outside of school?

22 A. Yeah.

23 Q. And where would you spend time with him mostly?

24 A. At our friend's, Emma's house, or at the river or at
25 parties.

1 Q. And what kind of activities would -- this would be in
2 groups, I take it?

3 A. Yeah.

4 Q. And what kinds of activities would you and your friends
5 engage in?

6 A. We would -- I mean, we would just spend time together,
7 talk. We would smoke together too.

8 Q. What do you mean by "smoke"?

9 A. Smoke marijuana.

05:44 10 Q. And so did you get to be pretty good friends with Jahar?

11 A. I would say so, yeah.

12 Q. And did you like spending time with him?

13 A. Yeah.

14 Q. Why?

15 A. Well, he had a sweetness about him. Maybe a little shy.
16 I was very shy.

17 Q. Would you consider him, within this group, a leader?

18 A. No.

19 Q. How would you describe his sort of way of relating to
05:44 20 others when, let's say, there's a group decision to be made?

21 A. Not a group decision-maker, I wouldn't say.

22 Q. And was he someone who was willing to go along with
23 others?

24 A. Yeah.

25 Q. Sort of go with the flow?

1 A. Uh-huh.

2 Q. I'm sorry. I just need you to say "yes" or "no."

3 A. Yes. Sorry.

4 Q. How would you compare Jahar to other boys his age when you
5 were in high school with him?

6 MR. CHAKRAVARTY: Objection.

7 THE COURT: I don't think the question is clear. On
8 what criteria? I guess is the question.

9 BY MS. CONRAD:

05:45 10 Q. Well, let's ask -- what about -- let me go back a little
11 bit.

12 Was he funny?

13 A. Yeah, goofy.

14 Q. What do you mean by "goofy"?

15 A. I can't think of an example but just goofy.

16 Q. Were you aware of any activities that he was involved in
17 at school other than hanging out with his friends?

18 A. Wrestling.

19 Q. And did you ever see him wrestle?

05:45 20 A. Yeah.

21 Q. And how did that come about?

22 A. I was in the dance company, and we both had practice at
23 the same time.

24 Q. Would he talk about wrestling?

25 A. I think so. I don't recall.

1 Q. Was he someone who stuck to his own group, or did he have
2 a lot of friends?

3 A. There was fluidity in his friend groups. I would see him
4 move through different groups.

5 Q. And generally speaking, what was Cambridge Rindge and
6 Latin like in terms of whether there were different cliques or
7 whether it was kids sticking to one type of friendship?

8 A. We stuck to familiarity, but everyone was pretty close.

9 Q. So it was a pretty close community?

05:46 10 A. Definitely.

11 Q. Did you ever go to Jahar's house?

12 A. No.

13 Q. Did that ever strike you as odd?

14 A. Not in the moment.

15 Q. Did he ever express his views about politics?

16 A. Not that I can remember.

17 Q. What about religion?

18 A. Not that I can remember.

19 Q. When was the last time that you saw Jahar?

05:47 20 A. August of 2012, I think it was.

21 Q. And what was the occasion?

22 A. We were at our friend's house for a barbecue.

23 Q. So this was a couple of months after you graduated. Is
24 that right?

25 A. Yes.

1 Q. But Jahar was -- it was at the end of or just before the
2 beginning of -- I should say, of Jahar's sophomore year in
3 college?

4 A. Yes.

5 Q. And I'd like to show you, unless the government has an
6 objection, and publish Exhibit 3286.

7 MS. CONRAD: If we could have the podium hookup.

8 And I'd offer this, your Honor.

9 THE COURT: All right.

05:47 10 (Defense Exhibit No. 3286 received into evidence.)

11 BY MS. CONRAD:

12 Q. Ms. Booth, can you tell us when and where this photograph
13 was taken?

14 A. This was at the barbecue in Cambridge in August of 2012.

15 Q. And whose house was that at?

16 A. Emma's.

17 Q. And do you see Emma in the picture?

18 A. No.

19 Q. Do you see Emma's dog in the picture?

05:48 20 A. Yes.

21 Q. And is that the dog in the center?

22 A. Yes.

23 Q. What was the dog's name?

24 A. Dempsey.

25 Q. And what was Dempsey's relationship like with Jahar?

1 A. He really liked Jahar.

2 Q. And so can you tell from that photograph if he's looking
3 at Jahar because Jahar's eating something or just because he
4 likes Jahar?

5 A. He was eating something.

6 Q. Okay. And who is that -- can you just put your finger --
7 or draw a circle with your finger on the screen around where
8 Jahar is seated in that photograph?

9 A. (Witness complies.)

05:48 10 Q. And I think we can all probably figure out that that's
11 Dempsey in front of him?

12 A. Yes.

13 Q. And where are you in this photograph?

14 A. (Indicating.)

15 Q. And what do you remember about that day?

16 A. Good food. I can't really remember -- oh, I remember
17 being surprised by how much bulkier he was in his arms.

18 Q. Like he'd been working out?

19 A. Yes.

05:49 20 Q. And I'd like to show you Exhibit 3287.

21 MR. CHAKRAVARTY: No objection.

22 MS. CONRAD: And I'd offer this photograph as well.

23 THE COURT: All right.

24 (Defense Exhibit No. 3287 received into evidence.)

25 BY MS. CONRAD:

1 Q. And is this from the same event?

2 A. Yeah.

3 Q. And in this photograph, can you circle where Jahar is?

4 A. (Witness complies.)

5 Q. And where you are?

6 A. (Indicating.)

7 Q. And at some point, did you post this photograph on
8 Facebook?

9 A. Yes, I did.

05:49 10 Q. And when was that?

11 A. I think it was the day -- it was April 20th, 2013.

12 MS. CONRAD: And at this time, your Honor, I'd offer
13 and ask to publish Exhibit 3287A.

14 MR. CHAKRAVARTY: I'd object to that, your Honor. I'd
15 object to that. It's the substance of what she wrote on
16 Facebook.

17 THE COURT: Let me take a look at it.

18 (Pause.)

19 THE COURT: Let me see you.

05:50 20 (Discussion at sidebar and out of the hearing of the
21 jury:)

22 THE COURT: This appears to just express her reaction
23 to learning about his involvement. I think I've already
24 excluded that from other people.

25 MS. CONRAD: I think, you know, your Honor, first of

1 all, I'd like to say that it seems to me that the reaction that
2 we've been trying to get has to do with lay witness opinion
3 about character, which is relevant in this portion of the
4 proceedings.

5 But I think it also expressed -- expresses her
6 feelings both about the tragedy that was the marathon bombing
7 and her memories of Jahar, and I think the strength of that
8 feeling -- this is not, obviously, being offered for the truth
9 of the matter, but this is a present-sense impression that she
05:51 10 had at that time.

11 MR. BRUCK: Lastly, if I could add something, is that
12 it's given particular force and poignancy by the fact that she
13 posted it the day after he was arrested. So it means
14 something. It is an expression that is much more powerful than
15 anything someone can say here. When the chips were down, she
16 remembered him in the positive as well as condemning the act at
17 the same time, and that is our entire message of the case in
18 mitigation. This is in real time as it's happening, and it
19 shows that her --

05:51 20 MR. WEINREB: Your Honor, the relevant evidence is
21 what the defendant's character was, not whether these
22 particular witnesses on the witness stand -- not what their
23 personal thoughts and feelings were upon learning that somebody
24 who they once thought something was turns out to be something
25 different. There's a whole panoply of reactions that people

1 might have in the world to that, and it's just confusing and
2 misleading for the jury to think that that's the thing that
3 they're supposed to be deciding the case on.

4 The issue is whether there's something about his
5 character, the circumstances of what he did in connection with
6 this crime, make him more or less morally culpable, more or
7 less deserving of the death penalty. Her ability to reflect on
8 things and to reflect on her own thoughts and feelings about
9 it, that's not something the jury should be focusing on.

05:52 10 MS. CONRAD: Your Honor, it seems to me what the
11 government wants to do is to say we can't get into anything
12 that reflects on character beyond the events of the bombing
13 itself, and that just can't possibly be true. Part of our
14 narrative in this case is that Mr. Tsarnaev was basically a
15 good kid, a decent kid who got pulled into this by his older
16 brother. And the fact that the people close to them, in both
17 instances, Tamerlan and Jahar, on the one hand, never saw this
18 coming with Jahar, thought it completely out of character, and
19 did not have that reaction to Tamerlan. I think that's
05:53 20 relevant.

21 And so when they talk about character -- and I want to
22 point out that Ms. Pellegrini's opening statement was almost
23 entirely about character. I have the highlighted portions with
24 me. She's saying this crime reflects his character. We're
25 saying there's more to it than that. And the fact that

1 people's reaction was that this was so shockingly out of
2 character for Mr. Tsarnaev is a relevant fact.

3 MR. BRUCK: It's also, as I pointed out -- *Tennard*
4 *versus Dretke* is the Supreme Court case, and there's a whole
5 series of them that says that the government, the state, cannot
6 limit mitigation to things which are connected to the crime or
7 in which explains the crime in some way. Even if there was no
8 connection whatsoever, no explanation for why someone was a
9 good person and did this horrible thing, the fact that he had
05:54 10 been a good person is relevant at mitigation, even if there's a
11 complete history --

12 THE COURT: You've had quite a bit of it. The
13 question is whether this particular piece of evidence falls
14 into that area.

15 MR. WEINREB: Just as to whether it falls within it,
16 your Honor, just to make the record clear, every single witness
17 who has been called to date, pretty much, has been a character
18 witness. Certainly every single one who knew the defendant and
19 has testified about him has testified about his character. The
05:54 20 government has not objected to witnesses testifying about his
21 character, how kind he was, what a lovely person he was. And
22 the issue here is both whether this falls within the category
23 of character but also whether the risk of prejudice outweighs
24 its probative value.

25 A lot of these -- what the government's point has been

1 is that these questions about the witness's own personal
2 reactions to learning about something are more prejudicial than
3 probative because they're cumulative, and all of the testimony
4 about what a wonderful, lovely person he is, and -- they have a
5 risk of confusing and misleading the jury because they focus
6 attention on that witness's own humanity; not the defendant's,
7 which is the focus of the -- their inquiry. The witness's own
8 ability to be compassionate, to forgive and so on should not
9 become a proxy for what the jury should do in this case and
05:55 10 whether the defendant is a compassionate kind of person.

11 What this does is asks the jury to confuse what these
12 people have done in their world in this case, which is to
13 measure what his character was based on what people have said
14 about him, what he was like, against the aggravating factors
15 and determine what the appropriate punishment should be. It's
16 too confusing, too misleading to suggest to them that what
17 these witnesses -- how they reacted to it should be what -- the
18 thing that they should be focusing on.

19 MS. CONRAD: The point, your Honor, is that, you know,
05:56 20 Mr. Weinreb says we're going to put in evidence of character,
21 but what we haven't been allowed to do is bring out how these
22 witnesses who are offering lay opinion, proper lay opinion,
23 about the defendant's character reconcile the defendant's
24 character with what he did. And the government has hit that
25 hard, hit it in opening, presumably will hit it in closing.

1 And they'll say, "Well, if he was so sweet, he wouldn't have
2 done that."

3 But these witnesses have a way of looking at that.
4 Now, I'm not going to pull out "His brother must have led him
5 into it." I'm not going to bring out speculation. But I think
6 that for the witnesses to say "Something changed, because the
7 person I knew would not have done that. The person I knew
8 would not have done that," it seems to me is their response to
9 the government's argument that this was the person he always
05:57 10 was.

11 THE COURT: Well, I think you actually have hit on a
12 way you can get the evidence in, as to whether it's consistent
13 with their observations of his prior conduct. I think that's a
14 question I would permit. But that will be taken as -- even if
15 you say you're not offering it for the truth, it will be taken
16 that way.

17 So I'm going to exclude the -- what is it, Facebook
18 posting? But you can ask a consistent-with question if you'd
19 like. Okay?

05:57 20 (In open court:)

21 BY MS. CONRAD:

22 Q. When you posted that photograph on Facebook, Ms. Booth,
23 what were you feeling?

24 A. Betrayal --

25 MR. CHAKRAVARTY: Objection.

1 THE COURT: Sustained. I think that's what we just...

2 MS. CONRAD: I have nothing further.

3 MR. CHAKRAVARTY: Just very briefly, your Honor.

4 CROSS-EXAMINATION

5 BY MR. CHAKRAVARTY:

6 Q. Ms. Booth, you didn't know --

7 THE COURT: Microphone.

8 MR. CHAKRAVARTY: I'll move over.

9 BY MR. CHAKRAVARTY:

05:58 10 Q. You didn't know the defendant very well, did you?

11 A. I believed that I did.

12 Q. You had a class together with him when you were a junior
13 in high school?

14 A. Yes.

15 Q. And when you were a senior in high school, he had gone to
16 college?

17 A. Yes.

18 Q. You didn't remain in touch with him when he was in
19 college, did you?

05:59 20 A. Through friends I saw him.

21 Q. Was it through the Silva brothers?

22 A. Yeah, on some occasion.

23 Q. Okay. And Emma Feigenbaum, was she one of the friends as
24 well?

25 A. Uh-huh.

1 Q. In 2012, the picture that we just looked at, that was the
2 only time in 2012 that you saw the defendant, correct?

3 A. Yeah.

4 Q. So that's the scope of your relationship with him. You
5 didn't have a contact with him after that, correct?

6 A. Yes.

7 Q. I'm sorry. Yes, you did not have contact with him after
8 that?

9 A. I think on Facebook we did.

05:59 10 Q. But you never talked to him?

11 A. I didn't see him in person after that.

12 Q. Okay. And your relationship in high school was pretty
13 much what you described. It was your -- you sat next to him in
14 a math class?

15 A. Yeah. I had a crush on him then.

16 Q. And, in fact, he asked you out to his prom, right?

17 A. Yes.

18 Q. And you rejected him?

19 A. Yes.

05:59 20 Q. Okay. And the -- but your relationship was one of --
21 where you were classmates who didn't do a whole lot together
22 when you were not with your other friends?

23 A. One-on-one, you mean?

24 Q. Correct.

25 A. Yes.

1 Q. And your other friends included the Silva brothers. Did
2 you know all of the things that they were doing?

3 A. Well, I wasn't friends with them in high school.

4 Q. You became friends with them after high school?

5 A. Yes.

6 Q. Were you friends -- did you know that they were drug
7 dealing at the time?

8 MS. CONRAD: Objection, your Honor. This is a
9 different time period we're talking about now.

06:00 10 THE COURT: Well, just be clear about --

11 MS. CONRAD: Beyond the scope, your Honor.

12 THE COURT: No. You may have it. Just be clear about
13 the time period you're talking about.

14 BY MR. CHAKRAVARTY:

15 Q. So after high school, 2012 and on -- you graduated in
16 2012, correct?

17 A. Yes.

18 Q. And so you were friends with the Silvas and Ms. Feigenbaum
19 and the defendant in 2012, correct?

06:00 20 A. Yes.

21 Q. And knew the Silva brothers were drug dealing, correct?

22 A. Not at the time.

23 Q. You didn't know that they were drug dealing?

24 A. Well, when I graduated I didn't know them, in 2012.

25 Q. So then after you got to know them, then you learned that

1 they were drug dealing?

2 A. In 2013.

3 Q. Okay. Before or after the Boston Marathon?

4 A. After.

5 Q. After the Boston Marathon. You still hung out with them?

6 A. That's what I --

7 MS. CONRAD: Objection at this point, your Honor,
8 relevance and scope.

9 THE COURT: Sustained. Sustained.

06:01 10 MS. CONRAD: Thank you.

11 BY MR. CHAKRAVARTY:

12 Q. At one point, in fact, one of the Silva brothers actually
13 would come to your house and stay with you?

14 MS. CONRAD: Objection, your Honor. This is far
15 outside the time frame.

16 THE COURT: Sustained.

17 MS. CONRAD: It's irrelevant.

18 MR. CHAKRAVARTY: Just one moment, your Honor.

19 (Pause.)

06:01 20 MR. CHAKRAVARTY: That's all I have.

21 MS. CONRAD: Very briefly.

22 REDIRECT EXAMINATION

23 BY MS. CONRAD:

24 Q. So I'm a little confused, Ms. Booth. You had a crush on
25 Jahar, right?

1 A. Yes.

2 Q. And he asked you to the prom?

3 A. Yes.

4 Q. But you didn't go with him?

5 A. No. Like I said, I was very shy.

6 MS. CONRAD: I have nothing further.

7 THE COURT: All right. Thank you, Ms. Booth. Thank
8 you. You may step down.

9 (The witness is excused.)

06:02 10 MS. CONRAD: I don't think we have anyone else today,
11 your Honor.

12 THE COURT: That's it?

13 Jurors, the day went a little faster than anticipated,
14 and we've come to a point where there are no other witnesses
15 present, so we'll have to break a little early. We'll continue
16 on the schedule. I am told that tomorrow will be a full day,
17 and we look forward to that.

18 So, again, I remind you of the cautions: Avoid news
19 reports, any discussion of the case in any way among yourselves
06:02 20 or with others. Enjoy the rest of the day. I think the
21 weather has turned for the better. And we'll see you in the
22 morning and continue with the case.

23 Let me just see the lawyers briefly for scheduling.

24 THE CLERK: All rise for the jury.

25 (The jury exits the courtroom at 2:45 p.m.)

1 THE CLERK: Be seated.

2 THE COURT: Did you want a sidebar?

3 MR. BRUCK: Please.

4 THE COURT: Okay.

5 (Discussion at sidebar and out of the hearing of the
6 public:)

7 MR. BRUCK: We have two matters for the record, your
8 Honor. One is we read in the *Boston Globe* this morning that
9 the jurors are being afforded counseling after the trial, and
06:04 10 this -- we did not know anything about this. Of course we have
11 no position about it except that we wanted to inquire as to
12 whether the jurors have been informed already.

13 THE COURT: I don't believe they have. I'll find that
14 out.

15 MR. BRUCK: Can we determine that?

16 THE COURT: I'll find that out.

17 MR. BRUCK: Okay. And so we'll check back with the
18 Court on that.

19 The second is that we would like the record to reflect
06:04 20 which juror was sick last week, if that can be done.

21 THE COURT: Does it matter?

22 MR. BRUCK: It could.

23 MS. CONRAD: Especially if there's a repeat.

24 MS. CLARKE: We just think the record should be clear
25 as to who was sick.

1 THE COURT: Let me think about that. I don't know
2 whether that's necessary.

3 MS. CLARKE: Okay.

4 THE COURT: Okay. As long as I have you here, what
5 I'm interested in is proposals for jury verdict slips,
6 instructions from both of you.

7 MR. WEINREB: Yes, we're almost done. We'll submit
8 them today.

9 THE COURT: Give me a little bit of a preview. We
06:05 10 have a full day tomorrow. What does the rest of the week look
11 like?

12 MS. CLARKE: Okay. We were just trying to list out
13 tomorrow's witnesses.

14 THE COURT: I would like it as soon as you can, at the
15 end of the day, witnesses, exhibits for tomorrow.

16 MS. CLARKE: Okay.

17 THE COURT: But anyway, after tomorrow.

18 MS. CLARKE: After tomorrow? Well, that's a test.
19 Could I send -- tomorrow we have --

06:05 20 THE COURT: I'm just trying to get a gross schedule.
21 When do you think you're going to finish?

22 MS. CLARKE: We should go -- we may go over into
23 Thursday.

24 THE COURT: I'm beginning to get that feeling. That's
25 why I was trying to --

1 MS. CLARKE: And depending on a couple of witness
2 decisions, it will go into Thursday. I think you can't count
3 on being done Wednesday. Not to be cagey, I just --

4 THE COURT: No, no, I understand. So if you were to
5 have, what, half a morning on Thursday, a full morning on
6 Thursday?

7 MS. CLARKE: It could be depending on a couple of
8 judgment calls we haven't yet made.

9 THE COURT: Right. I just want to know how much the
06:06 10 government will have.

11 MR. WEINREB: Your Honor, we think we'll have a day or
12 two.

13 THE COURT: All right. So we're going to get evidence
14 into next week is what it looks like at this stage.

15 MR. WEINREB: If it's all right by the Court, we would
16 prefer to begin our rebuttal case on Monday. It would give us
17 some time to get our ducks in a row.

18 THE COURT: Let's see where we are. I mean, we've
19 done that before for the defendant.

06:06 20 (In open court:)

21 THE COURT: All right. We'll be in recess.

22 (The Court exits the courtroom and the proceedings
23 adjourned at 2:49 p.m.)

24

25

C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: 5/4/15